

TWENTIETH REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING DECEMBER 31

1924

PRINTED BY ORDER OF PARLIAMENT



OTTAWA
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1925

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Hon. F. B. CARVELL, K.C., *Chief Commissioner.*
S. J. McLEAN, M.A., LL.B., Ph.D., *Assistant Chief Commissioner.*
Hon. W. B. NANTEL, K.C., LL.D., *Deputy Chief Commissioner.*
A. C. BOYCE, K.C., *Commissioner.*
C. LAWRENCE, *Commissioner.*
Hon. FRANK OLIVER. *Commissioner.*

A. D. CARTWRIGHT,
Secretary.



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REPORT
OF THE
BOARD OF RAILWAY COMMISSIONERS
FOR CANADA

To the Governor in Council:

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Twentieth Report for the year ending December 31, 1924.

Since the publication of the last report there have been no amendments made to the Railway Act, 1919.

PUBLIC SITTINGS OF THE BOARD

During the year covered by the period from January 1, 1924, to December 31, 1924, the Board held 55 public sittings at which 235 applications were heard. The number of public sittings held in the various provinces were as follows:—

Provinces	Number
Ontario.....	27
Quebec.....	3
Manitoba.....	2
Saskatchewan.....	4
Alberta.....	7
British Columbia.....	6
Nova Scotia.....	2
New Brunswick.....	2
Prince Edward Island.....	2
Total.....	55

The applications include a great variety of matters falling within the jurisdiction of the Board under the Railway Act, varying from the complaint of a private individual to weightier matters of general public interest affecting the community as a whole.

FORMAL AND INFORMAL MATTERS

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitute a considerable percentage of the total applications and complaints dealt with by it; that is to say, of a total of 3,314 applications and complaints received and dealt with by the Board 93 per cent were disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle, regarding the railway rates.

RAILWAY GRADE CROSSING FUND

In accordance with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecutive years from the 1st day of April, 1919, be appropriated and set apart from the consolidated revenue fund for the purpose of aiding actual construction work for the protection, safety and convenience of the public in respect of highway crossings of railways at rail level, in existence on the 1st day of April, 1909, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1924, 593 orders, providing protection for 654 crossings as follows:—

By Automatic half interlocking plants (street railway protection).....	5
“ closing crossings.....	27
“ diversion highways.....	54
“ diversion highway and bridge.....	1
“ diversion highway and removal view obstruction.....	1
“ electric bells.....	270
“ electric bell and flash-light.....	1
“ electric bell and removal view obstruction.....	2
“ electric bell and wig-wag.....	73
“ electric bell and wig-wag and removal of view obstruction.....	5
“ easing curve on approach to highway bridge	1
“ gates.....	120
“ gates and half interlocker.....	1
“ overhead bridges.....	26
“ removal view obstructions.....	33
“ removal view obstructions and reducing grade.....	1
“ shelter.....	1
“ subways.....	58
“ towers.....	3
“ wig-wags.....	13

It will be seen by comparing the total number of crossings protected with the Nineteenth Annual Report of the Board, that the increase for the twelve months ending December 31, 1924, in the number of crossings protected, number 40, made up as follows:—

By automatic half interlocking plants (street railway protection).....	3
“ closing crossings.....	4
“ diversion highways.....	7
“ electric bells.....	5
“ electric bell and wig-wag.....	11
“ gates.....	2
“ removal view obstruction.....	12
“ overhead bridges.....	1

NOTE.—Forty crossings and forty-five protections consequent on account of double wig-wags at two crossings, and three diversions closing four crossings.

It will be noted that under the new consolidated Railway Act provision is made that the total amount of money to be apportioned and directed and ordered by the Board to be payable from the annual appropriation, shall not in the case of any one crossing exceed twenty-five per cent of the cost of the actual construction work in providing such protection, and shall not in any such cases exceed the sum of \$15,000, and that no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality, or more than once in any one year to any one crossing.

Subsection (3) of section 262 of the consolidated Railway Act provides that in case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.

GENERAL ORDERS

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction that all railway companies subject to the Board's jurisdiction, within thirty days from the date of the Board's General Order No. 388, publish an amendment to their Official Distance Tariffs issued in compliance with the Board's Order No. 5954, by adding thereto a rule that in computing the distance governing traffic handled under mileage rates from loading sidings not named therein, the mileage applicable from the nearest station shall be used; also that the companies publish, where not already done, a clause to the effect that in computing distance rates under the tariff, distances shown in the Official Distance Table and supplements thereto and reissue thereof, will apply.

Direction that the Board's General Order No. 78, dated July 14, 1911, should be amended by striking out clause 36 thereof, and substituting therefor a special clause covering water and lubricator glass shields, as detailed in the order; and that the changes in said appurtenances should be made not later than January 1, 1926; also exempting certain railways from the operation of the said order.

Direction that the maximum stop-off charge for milling grain in transit at stations within Canada shall be 1 cent per 100 pounds, regardless of the final destination of such traffic; and that all railway companies subject to the Board's jurisdiction shall amend their tariffs accordingly, effective not later than the 11th February, 1924; the said rate, however, not to be retroactive.

Direction that all railway companies subject to the Board's jurisdiction, who publish tariffs covering milling-in-transit arrangements on grain, shall, effective not later than February 25, 1924, amend their tariffs extending the same arrangement to peas produced in Canada for milling or other treatment.

Direction that the Board's General Order No. 78, dated July 14, 1911, be amended by striking out clauses 5, 11, 18, and 19 dealing respectively with flues to be removed, lagging to be removed, method of testing flexible stay bolts with caps, and method of testing flexible stay bolts without caps; and rescinding the Board's General Orders Nos. 106 and 178.

Order directing that Shipping Container Specifications Nos. 14, 15 and 16 be amended to permit the use of steel corrugated fasteners driven across the joints outside, in addition to the present requirements, when the sides, ends, tops and bottoms of boxes are made of more than one piece.

Order directing that the time within which changes and instructions in certain general train and interlocking rules may become effective be extended to August 1, 1924; and that, in the interval, all railway companies carrying such special instruction "E" in their time-table file the same with the Board for approval under section 293 of the Railway Act, 1919.

Direction of the Board in the matter of Rules and Regulations Governing the Construction and Filing of Freight and Passenger Schedules with the Board, effective June 1, 1924; and rescinding certain order of the Board as therein set forth.

Direction of the Board in the matter of the form of free or reduced rate transportation returns filed with the Board, and providing that such returns to be filed with the Board by each company subject to its jurisdiction, shall comprise the particulars enumerated in the order, also providing further that the company shall keep records available and convenient for examination of such data and information as will justify the lawful issue of all or any of the free or reduced rate transportation issued by the company, and providing what shall be contained in the affidavit of verification covering all such returns.

General direction that all railway companies subject to the Board's jurisdiction who publish tariffs containing rates on ex-lake grain when milled, bagged, cleaned, or clipped at lake ports or in transit and reshipped to Atlantic seaboard ports for export shall, effective not later than May 26, 1924, amend the said tariffs by publishing the rates set out in the Board's General Order No. 400.

Order of the Board that all railway companies subject to its jurisdiction shall adopt and put into force, not later than June 30, 1925, the Rules and Regulations for Safety Appliances on Electric Locomotives in Road and Switching Service, as designated in schedule attached to the order.

Direction of the Board that all railway companies subject to its jurisdiction install electric lights in the classification and marker lamps of all locomotive engines in service which are, or may be in the future, equipped with electric light installations; this to be done not later than December 31, 1925.

Direction of the Board that all railway companies subject to its jurisdiction, with certain exceptions, equip all locomotives of 100,000 pounds, or over, with hand-rails on the sides of the cabs above the windows, near the top of the cab, and running the entire length of the same, and to continue across the front of the cab; and other details as set out in the order. General Order No. 171 rescinded.

Direction of the Board that foreign railway companies not owning, controlling or operating lines of railway in Canada shall not be required to file passenger tariffs with the Board; also that they shall not be required to file passenger tariffs with the Board specifying the fares to be charged between points in the United States through Canada; and that concurrences from intermediate Canadian carriers in passenger tariffs specifying the fares to be charged from points in Canada to points in the United States, be filed with the Board.

Direction of the Board that certain tariffs filed under the Crowsnest Pass Agreement by the Canadian Pacific and Canadian National Railways, be disallowed and withdrawn from operation within fifteen days from the date of the order.

Direction of the Board that the present requirement of railway companies that freight, in less than carload quantities, weighing 2,000 pounds or over per piece or package, loaded in box-cars by owners, shall, when necessary, be blocked, braced, or staked for safe transportation by such owners, be continued.

GENERAL DECISIONS AND RULINGS OF THE BOARD

Submitted herewith, epitomised, are some of the more important matters dealt with by the Board at its public sittings for the year ending December 31, 1924. For other principal judgments of the Board see appendix "A" to this report.

CITY OF SWIFT CURRENT V. CANADIAN PACIFIC RAILWAY COMPANY

Railway Crossed by Highway-Railway Yard—Closed Road Allowance—Overhead Footbridge

The Board refused an application by a municipality to open a level foot crossing over sixteen tracks of the Canadian Pacific Railway yard in Swift Current at a place where a road allowance had been closed and conveyed to the railway company, making the railway senior. Permission was given to erect an overhead footbridge at the applicant's expense, towards the cost of which \$7,000, the railway company offered to contribute \$2,500 as a matter of goodwill.

The facts are fully set out in the Judgment of the Chief Commissioner, dated February 1, 1924, concurred in by Mr. Commissioners Oliver and Lawrence.—Can. Ry. Cas., Vol. 29, p. 183.

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A. R. WILLIAMS MACHINERY CO. V. CANADIAN CAR DEMURRAGE BUREAU

Demurrage—Siding—Snow and Ice-Unloading

The demurrage rules are of general application but contain no provisions for exemptions under exceptional conditions giving rise to individual cases of hardship.

Where a railway permits persons to take delivery of C.L. shipments from its siding provided it is kept clear of snow and ice, such persons are liable for the demurrage which accrues due to their inability to take delivery on account of the difficulty of keeping the siding clear of snow and ice. The fact that there were empty cars on the siding during the time demurrage was charged for delay in unloading another car, has no bearing on the assessment of demurrage.

The facts are fully set out in the ruling of the Board, dated February 26, 1924.—Can. Ry. Cas., Vol. 29, p. 306.

CANADA CEMENT CO. V. C.N.R., C.P.R. AND M.C.R.

Tolls—Carload—Gypsum Rock

The Board refused an application for a rate on gypsum rock in carloads from Caledonia, Ont., to Montreal and Ottawa on a basis not exceeding the rate on crushed stone.

(Railway Ass'n v. Mfrs. Ass'n., 26 C.R.C. 130, at p. 143, referred to.)

The facts are fully set out in the Judgment of Assistant Chief Commissioner McLean, dated February 28, 1924, concurred in by Mr. Commissioner Boyce.—Can. Ry. Cas., Vol. 29, p. 228.

CITY OF HAMILTON V. HAMILTON STREET RAILWAY COMPANY AND TORONTO,
HAMILTON AND BUFFALO RAILWAY COMPANY*Highway Crossed by Railway—Protection—Senior and Junior Rule—Increased Street Traffic—Further Protection—Apportionment of Cost.*

Protection installed at the time of construction of a railway crossing at the intersection of two highways is not applicable to street traffic subsequently increasing to such an extent as to make further protection necessary and the senior and junior rule does not apply but the cost of further protection required will be apportioned between the municipality and the railway companies concerned.

(City of Montreal v. G.T.R., 12 C.R.C. at 445, followed.)

The facts are fully set out in the Judgment of Mr. Commissioner Boyce, dated March 15, 1924, concurred in by the Chief Commissioner.—Can. Ry. Cas., Vol. 29, p. 184.

TOWN OF TILLSONBURG *et al* V. MICHIGAN CENTRAL RAILWAY COMPANY *et al**Jurisdiction—Spur—Repair—Railways—Provincial—Dominion—Agreement.*

The Board has no jurisdiction under section 6 (c) to order a provincial railway company to repair the tracks of a spur over which three Dominion railways move cars under an agreement to which the provincial railway company is not a party.

The facts are fully set out in the Judgment of the Chief Commissioner, dated April 26, 1924, concurred in by the Assistant Chief Commissioner, and Mr. Commissioners Oliver and Lawrence.—Can. Ry. Cas., Vol. 29, p. 179.

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F. F. DALLEY & CO. V. CANADIAN FREIGHT ASSOCIATION

Tolls—Commodity—Cancellation—Traffic—Competition.

The Board approved the cancellation of commodity rates on shoe and stove polish or blacking.

Commodity rates are usually established where the classification ratings are too high to enable the traffic to move freely; where the traffic moves in very large volume in carload quantities; to meet market, water or railroad competition, to develop business and increase the revenue of the carriers.

The facts are fully set out in the report of the Board's Chief Traffic Officer, Mr. W. E. Campbell, issuing as the Judgment of the Board, dated May 12, 1924.—Can. Ry. Cas., Vol. 29, p. 232.

HUDSON'S BAY CO. V. CANADIAN FREIGHT ASSOCIATION

Classification—Chesterfields—Component Parts—Cushions—Furniture.

Loose spring cushions for chesterfields, chairs, etc., not shipped with the other components of the furniture of which they form a part, are classified as cushions and not as furniture.

The facts are fully set out in the Judgment of Assistant Chief Commissioner McLean, dated October 6, 1924, concurred in by Mr. Commissioner Boyce, Mr. Commissioner Oliver dissenting.—Can. Ry. Cas., Vol. 29, p. 192.

RE CROWSNEST PASS RATES

Tolls—Increase—Jurisdiction—Construction of Statutes—Agreement—Railway Act, 1919, Section 325 (5)—60-61 Victoria, Chapter 5—12-13 George V, Chapter 41.

By an agreement known as the Crowsnest Pass Agreement between the Government of Canada and the Canadian Pacific Railway Company, made September 6, 1897, pursuant to the Act, 60-61 Victoria, chapter 5, it was provided that the company should make certain reductions on specified commodities from Fort William and points east of Fort William to points west of Fort William and should thereafter charge no higher rates between those points; also that it should make a specified reduction in rates on grain from points west of Fort William to Fort William and points east and thereafter charge no higher rates than those thus established.

Competition compelled other railways to meet the reductions thus imposed upon the Canadian Pacific and a few years later the general scale of rates with minor exceptions were reduced below the Crowsnest scale, remaining below such scale until the advances granted in the Increase in Rates Case (15 per cent advance), 22 C.R.C. 49, which advance was granted by the Board as a result of the very large increase in the cost of labour and materials. In this judgment the Board held that it was bound by the limitations of the Crowsnest Agreement. An appeal from this decision to the Supreme Court of Canada was taken, but stood over by agreement of the parties.

Further increase in wages under the McAdoo award (so-called) led to the granting of the so-called 25 per cent advance by the Governor in Council under the War Measures Act in August, 1918, which resulted in higher tolls than those fixed by the agreement.

The Railway Act of 1919 contained a provision in section 325 (5), removing all doubts as to the Board's powers to fix rates without regard to any limitations. This provision was made effective for three years from July 7, 1919, and thereafter was continued under later legislation (12-13 George 5, Chapter

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41) until July 6, 1924. While it was in effect the Board granted a further increase known as the 40 per cent advance. Subsequently, certain reductions were made effective but on July 6, 1924, the general rate basis, including that applicable to Crowsnest commodities was very much above the Crowsnest scale.

Effective July 7, 1924, the Canadian National Railways and the Canadian Pacific filed tariffs fixing rates in accordance with the agreement, as applied to the conditions existing when the agreement was made, contending that, though the agreement was again operative, the Crowsnest rates did not apply to stations or railway lines not in existence in 1897. The result was discrimination between stations, between commodities and between eastbound and westbound movements.

Held (per McKeown, Chief Commissioner, Nantel, Deputy Chief Commissioner, and Boyce and Lawrence, Commissioners; McLean, Assistant Chief Commissioner and Commissioner Oliver, dissenting) that the Act, 60-61 Victoria chapter 5, is not a Special Act within the meaning of the Railway Act, 1919, chapter 68, section 3; nor if it is a special Act within section 3 does it deal with rates but only with conditions upon which a subsidy may be granted; and therefore the Board, by virtue of the general Railway Act subsequently passed, has power to disallow tariffs of rates filed by railway companies in compliance with the agreement.

The Board having found that the rates provided for by the Crowsnest Pass Agreement would be not more than 35 per cent to 60 per cent of adequate, fair and reasonable rates under existing conditions and would be unjust to competing railways which were not parties to the agreement; that the rates set out in the tariffs filed by all railways effective July 7, 1924, were discriminatory and detrimental; and that the rates previously in effect were equitable, fair and reasonable, ordered that the tariffs effective July 7, 1924, be disallowed and that the rates in force July 6, 1924, be restored as to all railways, notwithstanding that they were not in accord with the terms of the agreement of the Canadian Pacific.

Per McLean, Assistant Chief Commissioner (dissenting): The terms of section 325 (5) of the Railway Act, 1919, and of 12-13 George V., chapter 41 (1922), indicate that Parliament regarded the Act 60-61 Victoria chapter 5 as a Special Act limiting the powers of the Board and in any event grain and flour rates are controlled by the legislation of 1922.

Per Commissioner Oliver (dissenting): The Crowsnest Act is a Special Act limiting the powers of the Board as to rates; the rates set out in the agreement apply to all stations, lines and connections of the Canadian Pacific Railway in Canada; and to prevent discrimination, the Board should apply them to all other railways in Canada as well.

Vancouver Interior Tolls Case, 7 C.R.C. 125, and Increase in Rate Case, 22 C.R.C. 49, considered and not followed in so far as they may be held to decide that the Board cannot authorize rates in excess of the maxima fixed by the Crowsnest Pass Agreement.

The facts are fully set out in the Judgment of Mr. Commissioner Boyce, dated October 14, 1924, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Mr. Commissioner Lawrence, the Assistant Chief Commissioner and Mr. Commissioner Oliver dissenting.—Can. Ry. Cas., Vol. 29, p. 238.

NORTH BATTLEFORD BOARD OF TRADE V. CANADIAN NATIONAL RAILWAYS AND
CANADIAN PACIFIC RAILWAY COMPANY

*Interswitching—Railway Act, Sections 312 (c), 253 (1)—Municipality—
Application—Locus Standi*

Applications for interchange tracks come under section 253 and not under section 312 (e).

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A municipal corporation or other public body or person is not "interested" within the meaning of section 253 (1) so as to enable it to apply to the Board for an interchange order unless the tracks or lines of the two railways run through the same city, town or village.

The Board held that it had no power to entertain an application of the town of North Battleford for an order for the construction of a transfer track between a point at or near Cutknife on the Canadian Pacific Railway and a point at or near Rossman on the Canadian National Railway.

The facts are fully set out in the Judgment of Mr. Commissioner Boyce, dated October 27, 1924, concurred in by the Assistant Chief Commissioner and Mr. Commissioner Oliver.—Can. Ry. Cas., Vol. 29, p. 196.

TOWN OF PEMBROKE V. CANADIAN PACIFIC RAILWAY AND CANADIAN NATIONAL RAILWAY

Interswitching—Justification—Railways—Detriment—Benefit

Where conditions in a municipality are such as to necessitate and justify interchange facilities, such facilities will be ordered although one railway company will benefit greatly to the detriment of the other. The Board ordered interchange facilities to be provided (at the sole expense of the Canadian Northern Railway) between the Canadian Pacific Railway and Canadian Northern Railway at Pembroke, where, with one exception, all the private sidings were on the Canadian Pacific Railway.

The facts are fully set out in the Judgment of Assistant Chief Commissioner McLean, dated November 18, 1924, concurred in by Mr. Commissioner Boyce.—Can. Ry. Cas., Vol. 29, p. 202.

DEMURRAGE—CANADIAN CAR DEMURRAGE BUREAU V. CITY OF GRANBY, P.Q.

Demurrage—Rules—Exceptions—Private Cars—Private Tracks—Owner—Road Surfacing Material—Weather Roads

Cars not owned by the consignee or the person on whose tracks they are delayed under load are not exempted from the demurrage rules. Where inclement weather does not render the unloading of a commodity impracticable or expose it to damage but delays its use for the purpose intended, additional free time will not be allowed.

The Board ruled (1) that private cars held under load on private tracks not owned by the consignee do not come under the exception "a" to the Demurrage Rules (24 C.R.C. 196); (2) that free time allowed by demurrage rule 5-a does not apply where a consignee delays in unloading road surfacing material until the roads become sufficiently dry to lay it.

The facts are fully set out in the report of the Chief Traffic Officer, dated September 15, 1924, adopted as the judgment of the Board—C.R.C., Vol. 29, p. 313.

CLASSIFICATION.—VANCOUVER MACHINERY DEPOT V. CANADIAN FREIGHT ASSOCIATION

Classification—Freight—Weight—Loading

Rule 12 of the C.F.C. "Freight weighing 2,000 pounds or over, per piece or package; also all freight in 6th, 7th, 8th, 9th or 10th classes must be loaded and unloaded by the owners" which is of long standing, substantially since 1890, is reasonable in its provisions and should not be amended.

Per Mr. Commissioner Oliver, dissenting. The rule should be amended by providing that a representative of the carrier should be present either to supervise the loading or to immediately approve its completion on due notice to it by the shipper of the time when he intends to load.

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The facts are fully set out in the Judgment of the Assistant Chief Commissioner, dated November 14, 1923, concurred in by Mr. Commissioner Boyce.—C.R.C., Vol. 29, p. 317.

TOLLS—INCREASE.—UNION BAG AND PAPER CORPORATION V. CANADIAN FREIGHT ASSOCIATION

Tolls—Increase—Tariffs—Pulpwood

The increase of 15 per cent on pulpwood from Canadian points to points in the United States in tariffs issued under the general order No. 212, January 15, 1917, is not illegal. At the time the shipments moved, it was the practice to have pulpwood from Canada to the United States move under tariffs separate and distinct from those covering lumber and forest products.

(G.T. and C.P.R. Cos. v. Canadian & British American Oil Co., 14 C.R.C. 201; (1914), A.C. 1022; St. Lawrence Pulp & Lumber Corporation v. C.P.R. Co., 24 C.R.C. 107, referred to.)

The facts are fully set out in the Judgment of the Assistant Chief Commissioner, dated November 14, 1923, concurred in by Mr. Commissioner Boyce.—C.R.C., Vol. 29, p. 317.

TOLLS—TEMPORARY—GRAND PRAIRIE BOARD OF TRADE *et al* V. CANADIAN PACIFIC RAILWAY COMPANY *et al**Tolls—Temporary—Removal—Deficit—Crowsnest Rates—Application—Just—Reasonable—Leased Railway—Feeder—Revenue—Costs—Tonnage.*

Where the scale of mountain rates was temporarily applied to the E. D. and B. C. and Canada Central Railways though not operating in a mountainous district, to enable them to provide sufficient revenue for proper operation, the Board refused to abolish these rates when to do so would have added greatly to their annual deficits.

The Crowsnest rate being the result of special legislation, twenty-seven years ago, under conditions different from those now existing, is no criterion of a just and reasonable rate in any other portion of Canada and cannot be applied when it would be unjust or unreasonable either to the company or the public.

Per Mr. Commissioner Oliver, dissenting: The E. D. and B. C. and Canada Central Railways operated by the Canadian Pacific Railway under lease with option to purchase, and acting as feeders for its main line, form part of the Canadian Pacific Railway system and the Canadian Pacific Railway cannot successfully oppose an application for reduction of rates merely "on the ground that the operating costs of the railways are greater than their earnings."

Mountain rates hitherto in effect on the E. D. and B. C. and Canada Central Railways were granted and maintained as a temporary measure pending the completion and proper conditioning of the road and these having been accomplished should be removed.

Where it has been established that high rates mean decreased tonnage it is to be reasonably inferred that adequately decreased rates would mean increased tonnage.

The facts are fully set out in the judgment of the Chief Commissioner, dated January 17, 1924, concurred in by Mr. Commissioner Lawrence.—C.R.C., Vol. 29, p. 324.

TOLLS—MILLING-IN-TRANSIT—DOMINION MILLERS' ASSOCIATION V. CANADIAN
FREIGHT ASSOCIATION

Tolls—Milling-in-Transit—Stop Over Privilege—Uniform—Destination

The uniform toll fixed by the Board for stop over privilege for milling-in-transit is the maximum to be applied irrespective of the destination of the flour.

(See Winnipeg and Montreal Boards of Trade *et al* v. Canadian Pacific Ry. Co. *et al*, 27 C.R.C. 138.)

The facts are fully set out in the Judgment of the Chief Commissioner, dated January 29, 1924, concurred in by the Assistant Chief Commissioner and Mr. Commissioner Lawrence.—C.R.C., Vol. 29, p. 339.

TELEPHONES—TOLLS—QUEBEC FARMERS' TELEPHONE COMPANY V. BELL TELEPHONE
COMPANY

Telephones—Agreement—Tolls—Commutation

Where under a connecting agreement entered into between telephone companies a rate per message has been stipulated, it is not open to one of the parties to commute the interchange service to its patrons on a flat rate.

The facts are fully set out in the Judgment of the Chief Commissioner, dated May 13, 1924, concurred in by Mr. Commissioner Boyce—C.R.C., Vol. 29, p. 341.

APPEALS FROM DECISIONS OF THE BOARD

For the year ending December 31, 1924, there were two appeals to the Governor in Council and two appeals to the Supreme Court of Canada, from the decisions of the Board.

With reference to the appeals to the Governor in Council, the following are the appeals and the disposition thereof:—

(1) Appeal of the Niagara St. Catharines and Toronto Railway Company against order of the Board No. 33190, dated December 1, 1922, relative to the relocation of the company's line on Oak and Merritt streets, in the town of Merriton, Ont.—Pending.

(2) Appeal of the Governments of the provinces of Alberta, Saskatchewan and Manitoba, from the General Order of the Board No. 408, dated October 14, 1922, with regard to the Crowsnest Pass rates.—Pending.

With reference to the Supreme Court, the following are the appeals and disposition thereof:—

(1) Application of the Luscar Collieries, Limited, for leave to appeal to the Supreme Court of Canada on the question of jurisdiction from the order of the Board dated May 23, 1924, in the matter of the Luscar Collieries, Limited vs. N. S. McDonald and the Canadian National Railways.—Pending.

(2) Appeal of the Governments of the provinces of Alberta, Saskatchewan and Manitoba, on the question of jurisdiction from the General Order of the Board No. 408, dated October 14, 1924, with regard to the Crowsnest Pass rates.—Pending.

ORDERS, GENERAL ORDERS AND CIRCULARS

The total number of orders issued for the year ending December 31, 1924, was 1,070. The number of general circulars issued by the Board, directed to all railway companies subject to its jurisdiction, was 2. The general orders as distinguished from other orders of the Board are those affecting all railway companies subject to its jurisdiction, and are 26 in number for the year.

A list of the general orders and circulars for the year ending December 31, 1924, will be found compiled under appendix "G" to this report.

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APPLICATIONS TO THE BOARD

The total number of applications, including informal complaints made to the Board for the year ending December 31, 1924, was 3,314.

TRAFFIC DEPARTMENT OF THE BOARD

In the Traffic Department of the Board the number of tariffs received and filed for the year ending December 31, 1924, was as follows:—

Freight tariffs, including supplements.....	61,071
Passenger tariffs, including supplements.....	9,240
Express tariffs, including supplements.....	984
Telephone tariffs, including supplements.....	884
Sleeping and parlour car tariffs, including supplements.....	240
Telegraph tariffs and supplements.....	25
	<hr/>
	72,444

The total number of schedules filed from February 1, 1904, to December 31, 1924, was 1,273,889.

The details of the tariffs will be found under appendix "B" to this report.

ENGINEERING DEPARTMENT OF THE BOARD

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending December 31, 1924, number 320, and cover inspections for the opening of a railway for the carriage of traffic, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways, and general inspections falling within the scope of the work of the Engineering Department.

Under appendix "C" will be found a detailed report of the Chief Engineer.

OPERATING DEPARTMENT OF THE BOARD

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under appendix "D" will be found a full and detailed report of the Chief Operating Officer of the department.

ACCIDENTS AND ACCIDENT INVESTIGATIONS

On reference to the report of the Board's Chief Operating Officer, it will be seen that accidents to the number of 2,834, covering 318 persons killed and 3,254 persons injured, were reported to the Board during the year ending December, 1924, as compared with 3,187 accidents reported for the year 1923, covering 295 persons killed and 3,597 persons injured.

The figures given show:—

(1) Fifteen passengers killed for the year ending December, 1923, and 17 passengers killed for the year ending December, 1924, an increase of 2, and the number of passengers injured was 558 in 1923, as compared with 385 in 1924, a decrease of 173.

(2) The number of employees killed was 122 in 1923 and 107 in 1924, a decrease of 15, and the number of employees injured was 2,542 in 1923, as compared with 2,398 in 1924, a decrease of 144.

(3) The number of others killed was 158 in the year 1923, and 194 in the year 1924, an increase of 36, and the number of others injured was 497 in 1923, as compared with 471 in 1924, a decrease of 26.

It is pointed out that out of the 194 others killed, 84, or 43 per cent, were trespassers, and that out of the 471 others injured, 109, or 23 per cent, were trespassers.

It will be noted that of what may be termed preventable loss there were 84 killed under the heading "trespassers" and 109 injured. This is an increase of 8 in the number of killed and increase of 11 in the number of injured, as compared with the year ending December, 1923.

The following table shows the total by provinces as regards trespassers killed and injured for the year ending December, 1924:—

Province	Killed	Injured
Nova Scotia.....	4	7
New Brunswick.....	3	1
Quebec.....	13	22
Ontario.....	40	41
Manitoba.....	5	12
Saskatchewan.....	4	4
Alberta.....	6	10
British Columbia.....	9	12
Totals.....	84	109

Attention is again directed to the statement setting out in detail the situation as regards highway crossing accidents during the past five years. It will be observed therefrom that there has been a total of 1,051 accidents, covering 362 persons killed and 1,279 injured.

Crossings protected by gates accounted for 26 killed and 72 injured.

Crossings protected by bell accounted for 48 killed and 162 injured.

Crossings protected by watchmen accounted for 7 killed and 38 injured.

Crossings unprotected accounted for 281 killed and 1,007 injured.

There have been 258 accidents at protected crossings covering 81 persons killed and 272 persons injured, and at unprotected crossings there have been 793 accidents, covering 281 persons killed and 1,007 persons injured.

During the year ending December, 1924, there were 240 accidents at highway crossings, reported to the Board, covering 94 persons killed and 287 injured, as compared with 244 accidents in 1923, covering 64 persons killed and 326 persons injured.

Automobile accidents totalled 168, divided as follows:—

At crossings protected by gates.....	2
At crossings protected by watchmen.....	3
At crossings protected by bell.....	30
At crossings unprotected.....	133

Horse and rig accidents numbered 37, made up as follows:—

Gates.....	1
Watchmen.....	1
Bell.....	4
Unprotected.....	31

Pedestrian accidents numbered 42, as follows:—

Gates.....	21
Watchmen.....	1
Bell.....	4
Unprotected.....	16

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There were 247 highway crossing accidents investigated of which number 67 occurred at protected crossings, leaving unprotected crossings to account for 180 accidents.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and unprotected crossings, etc., will be found under appendix "D."

FIRE INSPECTION DEPARTMENT OF THE BOARD

As in previous years, local inspection continues to be handled under co-operative arrangements made with the several Dominion and provincial forest services. During the year 124 officials and employees of such forest services were deputed to act ex-officio as officers of the Board's Fire Inspection Department.

During the fire season of 1924, a grand total of 1,173 fires from all causes were reported as having originated within 300 feet of railway lines in forested territory along railways subject to the jurisdiction of the Board, which now extends to some 97 per cent of the railway mileage of the Dominion.

Of the grand total, 499 fires burned over less than one-fourth acre each, doing no damage, while 674 larger fires are reported to have burned over 33.942 acres and destroyed forest growth, and forest products and other property valued at \$168,941.

Of the grand total, 82.30 per cent are definitely attributed to railway agencies, 8.30 per cent to known causes other than railways, and 9.40 per cent to unknown causes.

Of the total area burned over, 89.73 per cent is chargeable to railway causes, 7.93 per cent to known causes other than railways, and 2.34 per cent to unknown causes.

Of the total damage, 75.86 per cent is chargeable to railway causes, 7.03 per cent to known causes other than railways, and 17.11 per cent to unknown causes.

Of the 963 fires which the railways are definitely charged with having caused, 698 are attributed to sparks from locomotives and 265 fires to employees.

During the fire season of 1924, officers of the Fire Inspection Department inspected the fire-protective appliances on 3,735 locomotives. Of this total, only 3.3 per cent were found defective.

In accordance with the fire-guard-requirements, 10,598.56 miles of fire-guards were constructed or maintained in non-forested sections of the Prairie Provinces.

Under appendix "E" will be found the Chief Fire Inspector's report, together with summaries of fire reports, inspection of locomotives and fire-guard construction.

STAFF

The following changes have taken place in the staff of the Board during the year ending December 31, 1924:—

In the Engineering Department, the Chief Engineer, Mr. G. A. Mountain, retired under the provisions of the Calder Act, the vacancy thus created being filled by the promotion of Mr. T. L. Simmons, formerly Assistant Chief Engineer of the Board, and the promotion of Mr. H. A. K. Drury to the position of Assistant Chief Engineer.

In the Operating Department of the Board, Mr. James Ogilvie, Mechanical Appliance Specialist, retired under the provisions of the Calder Act. The vacancy, thus created, has not yet been filled.

Mr. J. A. LaFontaine, Inspector of Railroad Operation, was appointed to fill the vacancy created by the death of Mr. E. C. Lalonde.

Mr. D. Robertson was transferred from Winnipeg to Toronto to fill the vacancy created by the death of James Clarke, Inspector of Railroad Operation.

Mr. H. H. Ward, Head Clerk, resigned, the vacancy, thus created, being filled by the promotion of Mr. John Timmins.

Mr. C. M. Parker, Senior Clerk Stenographer, resigned.

In the Record Department of the Board, Mr. W. A. Jamieson, Principal Clerk, retired under the provisions of the Calder Act. The vacancy thus created has not yet been filled.

In the traffic Department, Mr. H. W. Messinger retired under the provisions of the Calder Act.

In the Secretary's Department, Miss Lydia J. Lewis retired under the provisions of the Calder Act.

OBITUARY

It is with deep regret that this Board has to announce the death of its late Chief Commissioner, the Hon. Frank B. Carvell, K.C., and former Minister of Public Works, who died suddenly at Woodstock, N.B., on August 9, 1924.

The Hon. Mr. Carvell was appointed to the position of Chief Commissioner of the Board on August 3, 1919, and had thus served in this capacity five years. During this period he was untiring and indefatigable in the discharge of the duties appertaining to the office. His executive ability was unquestioned, and his decisions were marked with sound common sense.

The vacancy caused by his death has been filled by the appointment on September 12, 1924, of the Hon. Harrison Andrew McKeown, K.C., who resigned office as Chief Justice of the Supreme Court of New Brunswick to become Chief Commissioner of the Board.

ROUTINE WORK OF THE BOARD

RECORD DEPARTMENT

Below is given a table setting forth the number of applications, filings and letters received during the year ending December 31, 1924, together with the number of orders issued:—

Number of applications made.....	3,314
Number of filings received during the year.....	34,654
Number of outgoing letters during the year.....	24,305
Number of orders issued during the year.....	1,097

STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1924.

Sections of the Ry. Act.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Totals
Rescinding of Orders, Section 34	1	3	4	3	4	2	5	2	2	1	2	7	36
Extension of time, Section 41....				1	3		2	4		1		1	12
Location of line, Sections 167-177	2	1	2	6	4	5	2	3	2	4		2	33
Route Map, Section 167.....			2		1	1							4
Correction plans, Section 174....									1				1
Ry. as constructed, Section 175.		1	1	1	2	6	1	8	1	4	2	1	28
Mines and Minerals, Sections 194-198.									1			2	3
Expropriation of lands, Sections 189-192.....	2			1			1	1		1			6
Appeals to Supreme Court.....				1				1					2
Compensation for damage, Sections 213-221.....	1		1				3	1					6

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STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1924.—*Con.*

Sections of the Rly. Act	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Totals
Branch lines railway, Sections 180-187	6	13	10	20	11	8	9	12	10	16	7	12	134
Railway Crossings and Jet., Sections 252-254					1		4	2	1	3	3	3	17
Interlocking appliances, Section 252	2				2		4		2			3	13
Highway Crossings, Sections 255-267	17	15	18	21	12	11	22	10	23	36	19	19	223
Highway Diversion, Section 256	2	1	2	6		2	2	9	2	8	4	3	41
Protection at crossing, Sections 257-267	21	4	9	20	15	17	20	19	25	10	21	19	200
Telg. and Tel. Lines, Section 367	1					2	2	1					6
Telg. and Tel. Connections, Section 371		1					2						3
Telephone Wire, Section 372 (Crossings)											1		1
Power Wire Crossing, Section 372	1	2	2	3			1			2			11
Telephone agreement, Section 375	17	19	31	14	45	21	36	17	8	22	19	15	264
Canals, Ditches, etc., Sections 268-271								1	1		1		3
Sewers, Section 269	1			1			1						3
Culverts, Section 269			2	1	2			2					7
Farm crossings, Sections 272-273	1	2	2	3	4	1	1	2		2	2	1	21
Cattleguards, Section 274					2			2	1				5
Fencing of Right of Way, Section 274	1	30		3	4	2	2	8	3			2	55
Snow fences, Section 203						4							4
Bridges, Sections 249-251	1	1	11	11	6	15	19	1	3	6	5	4	83
Tunnels, Sections 249-251	1	2	3		1	1		3	1	6			18
Stations, Section 188	1	1	2	12	11	2	5	3	3	11	1	3	55
Condition of Stations, Sec. 188				3									3
Station accommodation, station agents	2	3	9	5	1	2	14	10	5	3	8	4	66
Opening of railway, Sections 276-277		2		1		2	1	2	7	3	4	3	25
Condition of railway, Section 283		3	2		1	2	1	1	1		1	2	14
Rolling stock, Sections 298-301		1	2	3	2	4	1		6	4	1	4	31
Train service	5	1	4	6	5	1	6		4	7	1	1	41
Working of trains, Section 287			2	2	4		2		5	1	4	3	23
Accommodation for traffic, Section 312	7	6	9	8	14	10	4	6	5	12	11	5	97
Accident Reports, Sections 285-286	65	74	44	60	53	54	60	55	85	71	55	84	760
Fires from locomotives, Sections 281-284-287-3-7	2	1	1	1	2		1	1					9
By-laws re tolls, Section 323		1				1	3	1	2	2		1	11
Discrimination facilities, Section 316							1						1
Interswitching, Sections 316-337				1				1		3			5
Freight Classification, Section 322	1	2		2	1					1			7
Disallowance of tariffs, Section 325						1			1			4	6
Standard Freight Tariffs, Section 330	1	4	5	1			1	1	1	1			15
Standard Passenger Tariffs	1	1				1			1	1			5
Local Passenger Tariffs												7	7
Adjustment in Rates	3	5	5	9	5	3	3	5	7	4	1	1	51
Special Freight Tariffs, Section 331	3	6	6	1				2	1	1	1		21
Special Passenger Tariffs, Section 335							1	1	1			1	4
Joint Tariffs, Sections 336-441									1				1
Provision for Carriage, Sections 344-348	2	1			1		3		2			3	12
Discrimination Express Rates, Section 349							1						1
Express Tolls, Sections 360-366	6	5	5			1		2		2		1	22
Carriage by Express, Section 364	2	2	5	6	5	3	4	3	2	1			33
Telephone Tolls, Section 375					1			1	1			1	4
Amalgamation Agreements, Sections 450-452					1								1
Statistics and Returns, Sections 379-384												1	1
Claims and refunds		7	1	1	7	5		1	4	3	3	6	38
Enquiries	7	1	6	4	4	6		4	2	3	4		38
Requests									2	1			3
Complaints	47	46	22	41	103	6	41	52	47	47	34	28	579
Miscellaneous	7	7	9	12	2	3	7	7	8	7	2	5	71
Totals	240	275	239	295	342	261	319	252	296	310	220	265	3,314

APPENDIX A

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDING
DECEMBER 31, 1924APPLICATION OF TORONTO BOARD OF TRADE, *et al*, *in re* MILLING-IN-TRANSIT
PRIVILEGES ON DRIED PEAS

*Judgment of Assistant Chief Commissioner, January 26, 1924, concurred in by
Chief Commissioner and Mr. Commissioners Lawrence and Boyce*

Complaints were received directed against the action of the Canadian National Railways on account of their issuing Supplement 12 to G.T.R. Tariff C.R.C. No. E-4411, which provided for an amendment confining the milling-in-transit arrangements so as to apply on shipments of wheat, oats, barley, rye, corn and buckwheat, the complaints being to the effect that no reason is apparent why milling-in-transit arrangements on peas should be eliminated.

It was stated in the complaint of the Toronto Board of Trade that milling mileage rates had been cancelled as a result of the Board's General Order No. 354; and it was stated that the action of the railways in seeking to eliminate peas from the transit arrangement on grain would have the result that peas for cleaning or milling would be required to pay the local mileage rates to and from the cleaning or milling point.

Complaints of similar tenor were received from other interested parties.

As a result, Board's Order No. 33413, of March 6, 1923, issued suspending the tariff amendment in question; leave being reserved to the railway company to make formal application to cancel the milling-in-transit arrangements on peas.

An application was made by the Canadian National Railways dated April 24, 1923, for leave to cancel the milling-in-transit arrangements on peas. It was stated that this arrangement had been erroneously published, effective February 1, 1922, in Tariff C.R.C. No. E-4411. It was contended that the Board's General Order No. 354 when issued was intended only to extend to grain grown in Ontario the same privileges as had been given for some years to the same classes or descriptions of grain grown in the Canadian Northwest and reaching Ontario via all rail, or water and rail, routes. It was stated that the transit arrangements had always been confined to wheat, oats, barley, rye, corn and buckwheat; and it was further stated that through error in compiling the tariff for the application of the same arrangements on Ontario grown grain as applies on Canadian Northwest grain, peas were included, although it was contended, technically, that peas were not grain.

It was urged that it could not be the intention of the Board to extend the transit arrangements to a commodity upon which no transit arrangements had ever existed, either in the Northwest or in Ontario, no matter whether the peas were grown in the West or in Ontario. It was stated, as a matter of fact, that the Canadian Pacific tariff was issued strictly in accordance with the spirit and intention of the Board's order, and that that company did not permit, in its present tariff, the milling of peas in transit.

The application of the Canadian National Railways came before the Board in hearing on May 15, 1923.

The position of the railway as to peas not being included in the milling-in-transit privilege was reaffirmed. The quantity of peas involved was said by a representative of the Canadian National Railways to be about one hundred cars per year. The representative was unable to state just what amount of revenue was involved.

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A considerable amount of discussion took place as to whether peas should be classed as a grain or as a vegetable, and statements of authorities in regard to this matter were cited.

The arrangement for milling local Ontario grain in effect immediately prior to February 1, 1922, is published in Grand Trunk Tariff C.R.C. No. E-4411.

The grain was billed to the milling point under the regular mileage scale and on proof of reshipment the inward charges were reduced to a special millers' mileage scale, the outward shipment being billed under the regular mileage scale. This arrangement was first put into effect on July 22, 1912, the rates being published in Grand Trunk Tariff C.R.C. No. E-2566. The arrangement applied on barley, buckwheat, corn, oats, peas, rye and wheat.

Prior to July 22, 1912, grain for milling was billed to the milling point at reduced millers' mileage rates when consigned to millers who had signed an agreement to reship their product via Grand Trunk. Regular mileage rates were applied on the outward movement.

By the oral judgment of the Chief Commissioner at the hearing on May 15, 1923, the Canadian National Railways were allowed to change the tariff, reserving the right to any interested party to make application that the railways amend their tariffs so as to include peas; the Board not making any pronouncement on this phase of the matter.

It was pointed out that the existing arrangement was that the Grand Trunk had a tariff which had been suspended, allowing the privilege, while the Canadian Pacific did not have; and it was intimated that other railways were in a similar position.

The Chief Commissioner stated that when his judgment was prepared in *The Milling in Transit Case—Board's Judgments and Orders Vol. XI, p. 389*, he "was discussing only those grains raised in Ontario which hitherto had possessed the same milling-in-transit privileges as those coming from the West". He stated, further, that it had been brought up at the time of the judgment that certain grains produced in Michigan were given transit privileges in mills in Ontario while the privilege was denied to Ontario grains; and he thought it only fair that Ontario grains should be put on a parity with other grains; and, continuing, he said, "I was only referring to the grains that then enjoyed the milling-in-transit privilege." As already pointed out, peas did have the advantage of the transit arrangement.

Thereafter General Order No. 380, of May 16, 1923, issued sanctioning the application of the Canadian National Railways; subject, however, to the right of any interested party to make application.

Application was launched under date of June 14, which set out as follows:—

"Prior to the issuance of the Board's General Order No. 354, certain so-called 'milling' mileage rates were in effect on grain for cleaning, clipping, malting or milling, between points in Eastern Canada. The grains enumerated in the tariffs included peas, and the grain products included split peas, pea meal and pea hulls. The arrangement in effect at that time provided for the carriage of the grain on the local mileage rate to the milling point and on proof of reshipment the inbound charges to the milling plant were reduced to the milling mileage scale. This applied on all grains and their products.

"Since the issuance of General Order No. 354 all grains with the exception of peas are given an arrangement whereby the rate from the original shipping point to final destination is applied on grain into the milling point and the product out, plus 1 cent per 100 pounds, stop-off charge, and charge for out of line haul.

“On behalf of the members, we would ask the Board to direct the railways to give to dried peas the same milling-in-transit privileges as are accorded the other grains.”

On account of other engagements on the part of the representatives of the applicants, extensions of time had to be allowed before sittings took place. The matter then came to a hearing on November 20, 1923.

At the hearing, considerable discussion again took place as to whether peas were properly listed as a grain or as a vegetable. It does not appear to be necessary to go into the analysis of the statements made in this regard, as the practice under the tariffs applicable would seem to be conclusive.

General Order No. 354 implemented the decision in *The Milling-in-Transit Case*. The tariffs following this order became effective February 1, 1922.

In Western Canada, milling-in-transit is allowed on barley, buckwheat, flaxseed, oats, rye, spelts and wheat. In Eastern Canada, it is allowed on barley, corn, flaxseed, oats, rye, wheat; and, in the case of the Canadian National tariffs, spelts.

Buckwheat is given milling-in-transit privileges in Western Canada. The total production of buckwheat for 1922, according to the Crop Statistics of the Dominion Bureau of Statistics, was 9,701,200 bushels. No detail is given as to the production in this respect for the Prairie Provinces and British Columbia. Possibly the detail in this regard is covered under the heading of mixed grains.

The production of buckwheat for 1922 was 9,701,200 bushels, made up as follows:—

	Bushels
Prairie provinces and British Columbia.....	nil
Ontario.....	4,266,000
Quebec.....	3,760,000
New Brunswick.....	1,393,000
Nova Scotia.....	208,000
Prince Edward Island.....	74,200

For the same period, the production of peas in Canada is shown at 3,428,600 bushels, made up as follows:—

	Bushels
Prairie provinces.....	328,800
British Columbia.....	57,000
Ontario.....	2,077,000
Quebec.....	914,000
New Brunswick.....	32,000
Nova Scotia.....	14,000
Prince Edward Island.....	5,800

Prior to February 1, 1922, the transit arrangements, in the East, covering peas and buckwheat, were as already indicated.

The Canadian National tariff already referred to authorized the milling-in-transit on peas in Eastern Canada from February 1, 1922, until July 3, 1923, when General Order No. 380 permitting the cancellation issued. Buckwheat was allowed milling-in-transit for a period of time, but it appears that the Canadian National terminated this by an amendment to tariff effective September 1, 1923.

Not only at the hearing regarding the cancellation of the Canadian National (G.T.R.) tariff but also in the later application to have peas included in the tariff, the point stressed by the railways was that the applications which culminated in the judgment of the Chief Commissioner and the issuance of General Order No. 354 were based on allegations of discrimination. That is to say, it was contended that Northwest grain was given a certain milling-in-transit arrangement, viz., 1 cent stop-off, subject to charges for out of line mileage, while in Ontario the same grains were given a different and

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higher rate; and it was contended that, in substance, the finding in the judgment and direction in Order No. 354 went no further than was necessary to correct this discrimination as between the Northwest grain and Ontario grain, taking Ontario as typical of eastern production.

Following from this, it was contended that since peas were not in the western grain list to which transit privileges were extended, there could be no discrimination.

As has been pointed out, buckwheat, which was not involved in the present application and concerning which no complaint is made, is included in the western list while it has been removed from the eastern list.

The Chief Commissioner in the oral judgment already referred to stated, in substance, that his intention in the judgment, which was implemented by General Order No. 354, was to deal with the matter from the standpoint of discrimination. While the judgment in question does deal with phases of discrimination, it appears to me to have a much wider scope than discrimination alone.

Reference may be made to the text of the decision as contained in the Board's judgments and Orders of January 15, 1921, *Vol. XI, p. 389*. The Chief Commissioner at *p. 390*, does speak of the difference in transit privileges to western Canadian grain and American grain at mills in Ontario and Quebec as compared with the treatment given to the grain of these two provinces, and does state that he is at a loss to understand why the transit privilege should be granted to western Canadian grain and American grain for grinding at mills in Ontario and Quebec while the same rate is denied to the grain of these two provinces. He continues that he is of opinion that the same treatment that is handed out to grain produced in one part of Canada, "not to say anything about the United States grain," must be granted to grain produced in all other parts of Canada; and he then finds "that all grain produced in Canada should be allowed the same stop-over privileges for milling purposes, no matter in what part of Canada the milling operation takes place."

The Chief Commissioner refers to the judgment of the Board of October 3, 1917, which held that in respect of western grain milled in Ontario on the Grand Trunk railway the charge of 2 cents was not discriminatory as compared with the charge of 1 cent in the West. In the case in question, the Grand Trunk Pacific had made a charge of 1 cent the same as was charged by the Canadian Pacific; and it was pointed out in the judgment that as the Grand Trunk and Grand Trunk Pacific were separate and distinct companies, the fact that the Grand Trunk Pacific controlled line made a charge of 1 cent in the West did not establish that the charge of 2 cents in the East was discriminatory; and he also agreed with the finding in the judgment in question that the fact one railway charged a different rate from its competitor was no evidence of discrimination.

When the decision in the *Milling-in-Transit Case* was rendered, the Grand Trunk was still a legal entity, separate and distinct from the Grand Trunk Pacific. In fact, it was not until January 30, 1923, by P.C. Order 181, that the Grand Trunk and Grand Trunk Pacific were both integral portions of one system, viz., the Canadian National Railways.

In the finding in his judgment, the Chief Commissioner referred to the 1 cent charge per 100 pounds of the Canadian Pacific Railway and continued, "there is no reason why a change should be made under present conditions, and as I have already found the rate should be the same all over Canada, this would involve a reduction of the Grand Trunk rates from 2 cents to 1 cent per 100 pounds."

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In speaking of the Grand Trunk transit charge, I do not understand that the Chief Commissioner was laying stress on the difference of the transit rate in Michigan on the controlled line of the Grand Trunk, which was operating in a separate jurisdiction, under United States laws, and meeting the competitive transportation practices and conditions there existing; but that he was emphasizing the charge made in Canada on the Grand Trunk. The Grand Trunk charge being 2 cents per 100 pounds on western grain milled in Ontario and the position being upheld by the Chief Commissioner that the 1 cent charge made by the Canadian Pacific Railway Company was not a necessary criterion of what was a discriminatory rate on the Grand Trunk, it follows, it seems to me, that the Chief Commissioner in dealing with the matter, and in accepting the Canadian Pacific charge as the measure, was laying down a general principle applicable to the question of transit rates, and not simply making a finding based on discrimination.

I submit this with some hesitancy, as I am endeavouring to interpret a judgment from which I differed. My dissenting opinion held that in the absence of effective competition between flour milled from Ontario wheat and flour milled from Northwest wheat, the difference in treatment did not establish discrimination.

The decisions of the Board establish the principle that when there is an allegation of discrimination mere citations of difference in rate or treatment do not make that *prima facie* case of discrimination which is necessary in order to shift the burden of disproof to the railway. The decisions have pointed out that unless there is along with the difference in rate or treatment a competitive condition as between the articles concerned, which results in a difference in rate or treatment, resulting to the detriment of the article so differently treated, there is not of necessity a condition which, in terms of the Railway Act, is unjustly discriminatory or unduly preferential.

The majority directed that the transit rate should be the same all over Canada, and continued:—

“That all railway companies in Canada, under the jurisdiction of the Board, should be allowed to charge one cent per 100 pounds for the stop-over privilege for milling purposes, no matter in what part of Canada the operation may be carried on; and the privilege should be granted to all grains produced in Canada, when milled at any point in Canada, at the same rate per 100 pounds; and the several railway companies under the jurisdiction of this Board should be directed to file tariffs accordingly.”

The ruling covers not only wheat and its milled product but also other commodities and the transit services in connection therewith. It is true that a common transit basis of rates was applicable to different articles, and it may be said that in laying down a principle it was obviously advantageous to have it generally applicable. This, in terms of the reasoning of the judgment, may be granted, but it appears to further emphasize the conclusion that the basis arrived at was one of general principle and not tied down to the particular facts of discrimination. The discussion on the discrimination side related itself to wheat and its milled product, and did not relate to discrimination alleged to exist in the case of other commodities enjoying the transit arrangement. Even if it were held that the finding in the judgment was based on discrimination in the case of wheat and its milled product, it cannot be, I submit, successfully upheld that there was such inference of discrimination in the case of the other commodities as would justify a finding of discrimination. Discrimination is a question of fact and evidence, not of inference.

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General Order No. 354 provided:—

“That all railway companies subject to the jurisdiction of the Board, file tariffs, effective not later than the 1st day of February, 1922, showing a charge of one cent per 100 pounds for the stop-over privilege on all grain for storage, milling, malting, or other treatment; such privilege to be granted for all grain produced in Canada, subject to a reasonable charge for out of line hauls.”

This finding is wide enough to cover a situation arising on a line wholly located in Eastern Canada and concerned with milling-in-transit of grain originating on that railway.

While, then, the origin of the hearing was concerned with complaints of discrimination, the decision laid down was, as indicated, a broad, far-reaching principle which was embodied in General Order No. 354. If there were any question as to the power of the Board to lay down such a broad principle as distinct from a specific finding on discrimination limited to specific commodities in respect of which a *prima facie* case of discrimination had been established, this would be set at rest by reference to section 312, subsection (e).

Reference may be made in this connection to *Complaint of the Toronto Board of Trade against cartage tariffs made effective September 1, 1919, File 18663.51—Board's Judgments and Orders, March 15, 1921, Vol. X, p. 539.* Judgment in this, which was concurred in by the Chief Commissioner, dealt with the subsection in question and with the status of the transit privilege and the powers of the Board in connection therewith.

The application should be granted.

APPLICATION OF DOMINION CANNERS LIMITED, *in re* COMMODITY RATES ON FRESH APPLES WHEN SHIPPED IN CRATES

Judgment of Assistant Chief Commissioner, February 5, 1924, concurred in by Mr. Commissioner Boyce

Under the classification, the following provision is made in regard to the rating of apples:—

<i>Fruit:</i>		L.C.L.	C.L.
<i>Apples:—</i>			
Green:—Carried only at O.R. freezing; must be prepaid between November 1 and April 30—			
In bags.....	2	5	
In baskets with solid or slatted tops.....	2	5	
In barrels with cloth tops.....	2	5	
In crates.....	2	5	
In barrels or boxes.....	3	5	
In bulk.....			8

Apples moving in bulk at 8th class have a minimum weight of 30,000 pounds. For a long period of time, apples moving in bulk have been given 8th class rating. It was stated, on behalf of the railways, that this arrangement as to bulk apples was put in some forty years ago, and was at the time concerned with the moving of low grade apples for the manufacture of cider, the canning industry not then being in existence. With the development of the canning industry, apples were moved in bulk on 8th class rating. About 90 per cent of the apples used by the canning companies represented by the applicant moved in bulk during 1923. A year ago, the applicant company took up the question of the shipping of apples for canning purposes, in boxes or crates; and it stated that during 1923 about 10 per cent of the apples shipped for canning purposes moved in boxes and crates.

From the evidence, the only other use generally made of the movement in bulk is concerned with the manufacture of apples for cider-making. There have been a few movements of eating apples moving in bulk; the cars in these cases

were divided into compartments by means of bulkheading, and the apples were sold direct from the car. It is understood that under the regulations now in force sale of this kind direct from the car standing on the tracks is not permitted.

It may be said, then, that the great bulk of the apples moving in bulk rating of 8th class are being shipped for canning purposes.

The apples in question are low grade and are valued at from one-half cent to three-quarter cent per pound. These apples are not hand-picked, but are wind-falls or shaken from the trees.

The application made is to establish commodity rates on fresh apples when shipped in crates commonly known as "bushel boxes" from various points on the Canadian National Railways in Ontario to Aylmer, Brighton, Simcoe, Strathroy and Forest for further manufacture and reshipment, on the carload basis of 8th class, increasing the minimum, however, to 35,000 pounds as compared with the minimum of 30,000 pounds on which the traffic at present moves.

The application as launched is directed against the Canadian National Railways. It is pled by the Canadian National that the matter is one which involves other companies in Ontario as well. At the hearing, representations were made by Mr. Ransom, Chairman of the Canadian Freight Association, on behalf of the other railways generally. However, the burden of evidence was assumed by the Canadian National Railways.

Some evidence was put forward by the applicant in regard to the advantage which the practice asked for would have in lessening damage to the apples. However, it would appear that this was a minor phase of the question and that the real advantage would be in handling. As the railway is not responsible for the loading or unloading of this commodity, convenience would react to the advantage of the applicant.

Apparently this method of handling would tend to keep apples in better shape by means of better ventilation. The apples when they have arrived at their destination, instead of being dumped for piling, could be kept in the containers, and this would add to the opportunities for ventilation.

The answer of the Canadian National Railways set out that the 35,000 pounds increased minimum would not afford the carriers any advantage, as it was contended the records indicated the average loading of apples in bulk at 38,572 pounds per car, while the average of apples in crates was 34,520 pounds.

The statement so set out in the answer of the railway was not developed at the hearing, so the Board has not the advantage of having the detailed information it should have as to how these figures are computed, what periods of time are involved, etc. It would manifestly be of great advantage to the Board to have detailed information in regard to the basis of computation which is relied upon when such statements are submitted.

It is contended that to make the rearrangements asked for would have serious consequences, in that it would tend to upset the existing basis of rates. This objection having in mind the nature of the business cannot be taken as conclusive. For example, reference may be made to the Canadian National Railways' tariff C.R.C.E.—469: This makes provision for the carriage of apples, carloads, in boxes, barrels, or in bulk, minimum 30,000 pounds, from apple-shipping stations on Bridgewater Division to canning, cider, evaporating or vinegar factories (product to be re-shipped by Canadian National Railways) at 10th class rate. At the same time, there is a very large export movement of apples for eating purposes, which while carried on a rate lower than the class basis is still on a higher rate than the apples shipped into the canning plants, etc.

The Board has recognized that there is an obvious anomaly in charging different rates upon the same commodity moving under the same general conditions, the only reason for the difference being the final use.

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Manitoba Dairymen's Assn. vs. Dominion & Canadian Northern Express Cos., 14 Can. Ry. Cas., 142, at pp. 143, 149.

See also Hay & Still Mfg. Co. vs. G.T. and C.P.R. Cos., 21 Can. Ry. Cas., 43.

Western Retail Lumbermen's Assn. vs. C.P.R. et al, 20 Can. Ry. Cas., 155, at p. 156.

In the present instance, however, while what is concerned is the movement of apples, the apples referred to are differentiated in respect of value, quality and use. The apples moving 5th class are for eating and are of a higher value. The apples moving under 8th class are of low value, are not hand-picked, and are either windfalls or shaken from the trees; and, again, their use is for a specific purpose.

The applicant finds it a convenience to move apples in a container known as a bushel box. He will pay freight on the apples and the container and is agreeable to a minimum of 5,000 pounds higher than is provided for in connection with class rating.

On consideration, having in mind the purpose for which the apples are moving and the fact that this use is not competitive with the higher-valued apples moving in baskets, barrels or crates under 5th class, it would appear justifiable to grant the application for a commodity rate on fresh apples for canning purposes, on a carload basis of 8th class, with a minimum weight of 35,000 pounds. This is limited to the Canadian National Railways and the points set out in the application.

APPLICATION OF ROLLAND PAPER CO., MONTREAL, P.Q., *in re* ASSESSMENT OF SWITCHING CHARGE ON CARLOAD SHIPMENT OF COAL EX MONTREAL WHARF

Judgment of Assistant Chief Commissioner, February 5, 1924, concurred in by the Chief Commissioner, and Mr. Commissioners Lawrence and Oliver.

What is involved is the question whether under the terms of the Canadian Pacific Railway Company's tariffs applicable that railway should absorb in the rate the switching charge of the Montreal Harbour Commissioners.

The complaint specifically refers to a carload shipment of coal which moved from Montreal wharf to St. Adele on August 5, 1921; and it is contended that the Montreal Harbour Commissioners' switching charge of \$3.50 collected by the Canadian Pacific Railway Company over and above the freight rate should have been absorbed by the Canadian Pacific Railway Company.

The tariff in effect at that time containing the rates on coal from Montreal was C.P.R. No. E-3253, C.R.C. No. E-3558. Rates were quoted from Montreal, and on page 2 it was provided:—

“Rates named herein from Montreal will apply from Montreal points as follows:—

Angus, Montreal,
Atwater, Montreal West,
Cote St. Paul, Montreal Wharf,
Highlands, Outremont,
Hochelaga, St. Henry,
Jacques Cartier Jct., Westmount,
Mile End,

Dominion Bridge Company's switching, \$2 per car additional.”

The applicant contends that the traffic in question under the tariff above referred to is concerned with a situation where the tariffs have defined a list of the points which are subject to the Montreal rate, and that Montreal

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wharf is one of these points. It is further stated that the shipments in question were delivered to the Canadian Pacific Railway at Hochelaga and moved from there to Mont Rolland.

In substance, the applicant is contending that the flat Montreal rate was applicable from any of the Montreal points named in the tariffs in question, and this would include any switching charges of other carriers at such points, except in the case of Highlands where there was specific indication to the contrary.

C.P.R. tariff C.R.C. No. E-3558 carries on page 1 thereof the following notation:—

“Governed (except as specified) by the Canadian Freight Classification and by the general rules and conditions of carriage adopted by the lines parties hereto, also by the car demurrage and switching rates and regulations published in tariffs relating thereto.”

It was held in *Canadian Manufacturers' Assn. vs. Canadian Freight Assn.*, 7 *Can. Ry. Cas.*, 302, at p. 306, that,—

“Railway Companies' tariffs to and from particular places should, in the absence of indication to the contrary, be read as covering only traffic originating at and for delivery upon its own tracks, and indicating sidings within its own terminals, and not as including traffic originating or for delivery at or near the same places upon the line of another carrier.”

Reference may also be made to General Order No. 252—the Board's Inter-switching Order—which lays down the conditions which may be embodied in tariffs of the railways regarding the switching charges chargeable over and above the rate of the line haul carrier in connection with the matter of making delivery to or receiving traffic from sidings on the lines of other carriers at point of origin or destination.

The Canadian Pacific Railway at the time the shipment involved moved had two tariffs naming switching rates, viz., C.R.C. No. E-3669 and C.R.C. No. E-3668. Tariff C.R.C. No. E-3669 provided that with respect to Montreal wharf, P.Q., all carload freight (except import and export), at the option of the Harbour Commissioners of Montreal, could be delivered or loaded on Montreal harbour, subject to current switching rates assessed by the Harbour Commissioners; this rate to be in addition to the rates to or from Montreal.

Tariff C.R.C. No. E-3668 made certain provisions for export and import traffic, also grain in bulk, and stipulated that with respect to other traffic handled to or from Montreal wharf the Canadian Pacific Railway Company would not absorb the switching charge of the Harbour Commissioners' Railway unless the tariff governing the traffic otherwise specifically provided.

Applicant has strongly argued that there is an ambiguity in the tariffs. This is not the first time this line of argument has been presented by the applicant in correspondence with the Board. It is a line of argument which, of course, it is entirely open to him to urge and to substantiate if there is a manifest case of ambiguity. It may be that his business causes various tariff items to appeal to him as ambiguous when they do not so appeal in the case of the average shipper.

The Board has always emphasized the necessity of tariffs being as clear as possible, and it has more than once indicated that tariffs must be interpreted without having regard to unexpressed railroad intentions.

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Imperial Steel & Wire Co. vs. G.T. and C.P.R., Cos., 24 Can. Ry. Cas., 150, at p. 153.

It has approved the position that toll clauses are in cases of ambiguity to be construed with strictness against the railway.

In order to interpret the tariff concerned, it is necessary not only to look at the tariff itself but also at the tariffs specifically concerned with switching rates and regulations. The notation on the tariff has already been referred to in this regard, and it does not appear unreasonable that switching rates and regulations should be embodied in a separate tariff. It would seem that having them so embodied would make for ease in understanding the tariffs, in that it would be a much less cumbersome arrangement to have the details of the switching rates and regulations embodied in a tariff separate from that concerned with line haul charges. It is apparent that there was a clear intimation that the switching rates and regulations were to be found in a tariff specially relating thereto.

Applicant argues, in substance, that the fact that by Supplement 28 to C.R.C. No. 3558 the tariff was amended so as to provide that in respect of switching at Highlands, P.Q., specific reference to the Dominion Bridge Company's charge was eliminated, the shipper being referred to C.P.R. tariff C.R.C. No. E-3669, has a bearing.

Apparently his argument is that since in the case of Highlands there was a specific notation as to there being an extra switching charge and since this was changed only by an amendment to tariff, it follows that as to the other points already referred to in C.R.C. No. E-3558 the absorption of switching rates was not interfered with. In reality, the change as to Highlands put this point simply in the same position in regard to switching tariffs as the other points concerned.

On consideration of the tariffs, it appears to me that the provision already quoted, viz.,—

“Governed (except as specified) by the Canadian Freight Classification and by the general rules and conditions of carriage adopted by the lines parties hereto, also by the car demurrage and switching rates and regulations published in tariffs relating thereto ”

makes clear the intention that the provision of the switching tariffs should be read along with the line haul tariff. When the provisions are so read, the ambiguity alleged is not apparent.

APPLICATION OF RAILWAY ASSOCIATION OF CANADA *in re* AMENDMENT TO RULES 93 AND 99, GENERAL TRAIN AND INTERLOCKING RULES

Judgment of Mr. Commissioner Boyce, April 4, 1924, concurred in by Chief Commissioner and Assistant Chief Commissioner

By General Order of the Board, No. 322, dated December 10, 1920, the railway companies concerned were required on and after June 1, 1921, to withdraw from their respective working time-tables, Special Instruction “E.” and thereafter observe the Uniform Code of Rules for Canadian Railways, approved by the General Order of the Board, No. 42, dated July 12, 1909. This General Order, No. 322, was based upon the Judgment of the Board, dated November 26, 1920, upon the complaint of the Brotherhood of Locomotive Firemen and Enginemen, reported 26 C.R.C. p. 321, and in Board's Orders and Judgments, Volume X, p. 442.

Prior to the date (June 1, 1921) on which General Order No. 322 was to become effective, the Canadian Railway Association, on April 6, 1921, in view

of the judgment of the Board just referred to, applied for approval by the Board of certain changes in the General Train and Interlocking Rules in such application set forth, and, pending the hearing and decision of their application, applied for an extension of the time limited as above to June 1, 1921, and by General Order No. 340, dated May 19, 1921, the time within which the changes required to be made under General Order No. 322 was extended until June 15, 1921. The application of the Railway Association was heard by the Board on June 15, 1921, and judgment thereon was reserved, and, pending the decision of the Board thereon, the enforcement of General Order No. 322 was further extended until September 1, 1921, or until further order of the Board. No further order of the Board having been made, the operation of General Order No. 322 remained suspended, and it follows that Special Instruction "E" thereby ordered to be withdrawn from operation, remains in force on the railways using that method of operation.

Since the hearing of this application, as stated, there have been meetings and conferences, and much correspondence between the parties concerned, and officers of the Board, with a view to possible adjustment of the dispute, but as nothing has resulted in the shape of an agreement, and the Board has been so advised, the matter must be disposed of by the Board upon what submissions are before it, and considerations arising thereout and incident thereto. The delay in disposition by the Board is attributable to such proceedings, and has allowed further scrutiny of the method involved.

Special Instruction "E," which first appeared in the time-tables of the Canadian Pacific Railway Company, on June 27, 1907, and later by the Canadian National Railways, reads as follows:—

"The outer main track switches of passing tracks will be considered 'station limits' and main track may be used inside of such limits by keeping clear of first and second-class trains. All trains, except first and second-class trains, must, unless otherwise directed, approach and pass through such limits, prepared to stop, unless the main track is seen to be clear. Trains occupying or using the main track outside of station limits must be protected, unless train orders or schedule confer the right to use main track. During foggy, smoky, or stormy weather, protection as per rule 99 must, in addition, be maintained to insure absolute safety."

Under the system of operation provided by it the trains of the railways using that system have been operated for many years, and are now being operated, and its practical working is referred to in the judgment of the Board dealing with its validity; p. 330, 26, C.R.C. in the following language:—

"The Special Instruction 'E' complained of has been in force, and the railway has been operated under it for a great many years, and the submissions indicate that though open to strenuous objection by a part, at least, of the employees of the railway operating under it, it has been, it is said, operated with success and is still in general use throughout the entire system."

I listened carefully to all the evidence and arguments at the hearing of both cases before this Board dealing with this method of operation, and I came to the conclusion upon these submissions that from a point of view of public safety, the method of operation prescribed by Special Instruction "E" was not seriously assailed. It seemed to me that the issue was principally as between the enginemen and firemen on the one hand, and the conductors and trainmen on the other, as to their respective duties and responsibilities as employees of the railway company for the due protection of the train under given conditions and under particular circumstances. True it is that in emphasizing their

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respective arguments, the representatives of each of these bodies, argued that a system of operation, consistent with their views, would enure to the safety of the public, and would, respectively, be a safer method of operating the trains of the company, and, in the course of very able and exhaustive arguments from both these bodies of employees, references were made to accidents alleged to have resulted from the use of one or the other method of operation referred to, but these suggestions were largely met by the railway company, and during the many years in which this dispute has been pending before this Board, and while the methods of operation contained in Special Instruction "E" have been in force by the railway companies carrying Instruction "E" and have been under critical scrutiny and observation by both contending parties, the railway companies and this Board, results have not indicated that the operation is an unsafe one per se. so as to justify this Board, in my opinion, in interfering with it by declaring it to be not conducive to due protection of property, the safety of the public, or of the employees of the railway companies concerned.

The issue before us, therefore, being one between the bodies of employees of those railways opposing on the one hand and supporting on the other a method of running railway trains introduced, and for many years maintained by the railway companies using that method, and now in force, I am unable to see that the general jurisdiction of the Board as to safety in the management of the railway and in the running of its trains is properly invoked.

The judgment of the Board, November 26, 1920, upon which issued General Order No. 322, dated December 10, 1920, requiring the withdrawal by the railway companies concerned, of Special Instruction "E," proceeded upon the ground, not of substance, or of the instability or unsafety of the method of operation involved in the Special Instruction, but because the method prescribed in that Special Instruction was a regulation, and because, as a regulation, it had not been promulgated, and approved as required by the Railway Act, and was not a regulation valid in law.

Fralick v. G.T.R., 43 S.C.R. 494

There are, under the Railway Act, two proceedings prescribed under which regulations may be made with reference to the methods to be employed by railway companies in the running and operating of their trains, and as these have been brought in question, both upon the original application and this application, a short reference to them may serve to clarify the situation and shew the distinction. They are as follows:—

1. Under section 287—and cognate sections—there is a general power vested in this Board to make orders and regulations, all in the interest of and to insure public safety, the due protection of property, and of the employees of the company, and sec. (g) of persons travelling on His Majesty's service. Under section 288 the Board is required "to provide for uniformity of rules for the operation and running of trains."

2. Under section 290, the railway companies may, subject to what provisions and restrictions are contained in the Railway Act, or the Special Act, and "subject to any orders or regulations of the Board made under sections 287 and 288," make by-laws or regulations concerning, *inter alia*;

(a) the mode by which, and the speed at which any rolling stock used on the railway is to be moved;

(f) the travelling upon, or the using or working of the railway;

(g) the employment and conduct of the officers and employees of the company; and

— (h) the due management of the affairs of the company.

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Such by-laws as may be passed, under section 290, except in so far as they relate to tolls and such as "are of a private or domestic nature" must be passed by the company, in the manner prescribed and, upon report of the Board, must receive the assent of the Governor in Council, under the procedure specified in sections 292, 293, 294, 295, 296 and 297 of the Railway Act.

The intent of these two sections—287 and 290—is, I think, obvious. Under the latter section the subjects mentioned and quoted—(a), (f), (g) and (h), (which clearly include what is provided for in Special Instruction "E"), are left to the judgment and responsibility of the railway company as methods of operating, managing and protecting its property and carrying on its business, but, in order to preserve control, in the interest of the public and the employees of the railway, wherever and howsoever any regulation of the railway company passed under section 290 comes in conflict with the interests of the safety, convenience, etc., of the public, or the employees, the power clearly vested in the company, under that section, to manage its own business is circumscribed and controlled by (a) the right of the Board to interfere, and regulate, under sections 287 and 288 in cases where, in its judgment, such interference and regulation is necessary to safeguard such interests as are specified in section 287, as the justification therefor, and (b) the prescribed method of passage of by-laws of the company; the submission of same for the approval of the Governor in Council, upon a report of this Board, under sections 292 *et seq.*

In the light of the analysis of the scope and meaning of the sections above referred to it seems to me that it is not a function of this Board, in the discharge of its duties in the administration of the Railway Act, to interfere with, or direct, the running of the company's trains or the management of its business, except under the powers, and for the reasons, prescribed in sections 287 and 288. So long as the railway company runs and operates its trains under regulations passed and approved under sections 290 *et seq.*, the Board does not, and I think should not, interfere. The responsibility for the safe operation of the railway is upon the railway company whose system of general operation is safeguarded by the procedure required to be followed under sections 290 *et seq.* The Board will scrutinize any by-laws, submitted for the approval of the Governor in Council, under those sections, when reporting upon them under section 293 (2), and will not recommend for approval of the executive any by-law submitted which, in its opinion is not in conformity with safe and convenient operation, and while it possesses, in reserve, the general powers under sections 287 and 288, for the safeguarding of the interests, or for the purposes mentioned therein it does not, as I take it, employ those powers unless it is clearly apparent that what system the railway company has put into force, under sections 290 *et seq.*, justify the exercise of such powers for the purposes in sections 287 and 288 specified.

The above seems to be the position upon the present application. Special Instruction "E", for the reasons mentioned, has been ordered to be withdrawn, because it is a regulation of the company and must be made to conform to the requirements of sections 290 *et seq.* to insure its legality. It is still in force, but the applicants, the Railway Association of Canada, now ask that the Board amend the General Train and Interlocking Rules in a manner which will permit of such an operation as is now carried on by some railways under Special Instruction "E". The application to this Board, now under consideration, dated April 6, 1921, is as follows:—

"In view of the opinion expressed in the judgment of the Board, dated November 26, 1920, in the matter of the complaint of the Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen, with regard to Special Instruction "E" Canadian Pacific Railway Time-table, covering Station Limits—Board file No. 4135.26,

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this association has had under consideration the changes that will be necessary to make in the General Train and Interlocking Rules in order to provide for the method of operation now followed by certain of its member railways as outlined in the Special Instruction above referred to, and is of the opinion that the best practical way in which to accomplish the desired object is to provide for the erection of station limit boards at points where this method of protection is found desirable.

"To give effect to this plan, and to remove any possible uncertainty, the following amendments should be made in the said rules:—

"1. Rule 93 should be amended to read as follows:—

"93. Within yards defined by yard limit boards, and within station limits defined by station limit boards, the main track may be used, keeping clear of first and second class trains.

"The main track must not be so used within yard limits and station limits until it is known that all sections of overdue first and second class trains have arrived."

"All trains, except first and second class trains must, unless otherwise directed, approach and pass through yard limits and station limits prepared to stop, unless the main track is seen or known to be clear.

"Yellow lights must be attached to yard limit boards and to station limit boards, to be kept lighted from sunset to sunrise. During foggy, smoky, or stormy weather, protection as per rule 99 must in addition, be maintained to ensure absolute safety within station limits."

"By night, or in foggy weather or stormy weather, proper lights must be placed on cars or engines obstructing the main track within yard limits or station limits."

"2. The following definition of station limits should be inserted in the 'Definitions' contained in the said rules:—

"*Station Limits:* Portion of the main track defined by station limit boards.

"3. The first paragraph of rule 99 should be amended to read as follows:—

"99. Except as provided in rules 93 and 552 and Train Order Form 'U' when a train stops, or is delayed on the main track, under circumstances in which it may be overtaken by another train, the flagman must go back immediately with stop signals a sufficient distance from the train to insure full protection, at least

"Accordingly it is respectfully requested that the Board grant its approval of the foregoing amendments at as early a date as possible in order that they may be duly adopted by the railway companies and made part of the General Train and Interlocking Rules before June 1, 1921."

The Board is asked, by this application, to make an order approving the proposed amendments to the General Train and Interlocking Rules, which it is represented, will provide for and authorize the method of operation at present in use under Special Instruction "E." The General Train and Interlocking Rules sought to be amended have been approved by the Governor in Council, under sections 291, 292, 293, and 294, of the Railway Act.

I am not prepared to agree that the amendments suggested in the application above quoted would continue the present operation specified in the Special Instruction "E," and holding, as I do, that such method of operation which has been in force for so many years is not such as to warrant any interference with it by the Board in the exercise of its general jurisdiction, under

section 287, I do not think that the Board is concerned as regards the necessity for amendment of the General Train and Interlocking Rules. The responsibility is upon the railway companies using the method of operation in Special Instruction "E". The suspension of that method by General Order No. 322, was for the specific reason that it being a regulation the requirements of the Railway Act to make it such had not been observed and it, therefore, had no legal effect as an operating regulation. But, the operation introduced by the railways concerned, has continued during many years, is well known by the employees, and, for all that appears to the contrary, is a safe and proper method of operating trains. The Board finds no such defects in its application as warrant it, upon what is before it, in deciding that any other method would be more desirable in the interests of the safety of the public, or the employees of the railway. Therefore, the method, used by the railways, is not in question, but that method, being a regulation, must conform to the Statute. That appears to be all that is here involved, and no amendments of the General Train and Interlocking Rules seems to be necessary to put into legal form a method of operation not now in legal form.

If, therefore, railway companies using this method of operation desire to continue it, they must proceed under sections 290 *et seq*, putting the regulation involved into proper form as prescribed by section 292, and submit for approval as required by section 293.

To allow sufficient time for the regulation to be legalized in due form, the suspension by General Order No. 343 of the effective date of General Order No. 320 directing the withdrawal of Special Instruction "E" continues for three months from May 1 next, after which time the practice of carrying this method of operation in the time-tables of railways as a "Special Instruction" will be withdrawn. In the interval, all railways now carrying such Special Instruction in their time-tables must procure legalization of it as a regulation in conformity with the statute referred to.

Subject to above, the application is dismissed.

APPLICATION OF BROTHERHOOD OF LOCOMOTIVE ENGINEERS, *et al*, *in re* REGULATIONS LIMITING HOURS OF DUTY OF EMPLOYEES IN OPERATION OF TRAINS

Judgment of Chief Commissioner, April 4, 1924, concurred in by Assistant Chief Commissioner, Deputy Chief Commissioner and Mr. Commissioner Boyce.

This case was heard in Ottawa, on June 21, 1922, and as presented to the Board, asks that the Board exercise the powers conferred upon it by section 287 of the Railway Act, subsection 1, subclause (f), and limit the hours during which employees engaged in the operation of trains may remain on duty.

At the hearing, Mr. Best stated that, while the application was general, he represented only the Brotherhood of Locomotive Firemen and Enginemen. After considerable discussion, he finally admitted the impracticability of the regulation of engineers and firemen without involving all of the other operating men, and at page 5186 stated as follows:—

"I think I have the right to say this before I sit down, that while we are asking for this regulation on behalf of the engineers and firemen, in my judgment it is not practicable to have a regulation that would not involve and would not affect all of the men concerned in the operation of trains."

We, therefore, have to consider whether or not the Board should exercise the powers granted it by Parliament, and prescribe regulations by which railway employees engaged in the operation of trains can only work a certain number of hours continuously.

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The application, evidently, is based very largely upon the Hours of Service Law of the United States, where, as I understand it, no employee engaged in the operation of trains shall be allowed to work more than sixteen hours continuously.

Mr. Best was supported by Mr. Baker, along with Mr. Kennedy and Mr. Dewar, representatives of the Locomotive Engineers; and was opposed by the representatives of the railway companies, and also Mr. S. N. Berry for the Order of Railway Conductors; Mr. Babe for the Brotherhood of Railway Trainmen; Mr. Maloney for the Grand Trunk Railway Trainmen; Mr. Barker for the Order of Railway Conductors, Canadian National Railways, Western Lines; and Mr. MacDonell for the Order of Railway Conductors, Canadian National Railways, Eastern Lines.

Without going into a long examination of the evidence, generally speaking, the railway companies contended that the present rules under which employees may book rest, after a certain number of hours of service, amply provided for the protection of both employees and the public, because it is largely in the hands of the employee himself to state whether or not he requires rest.

Many cases were pointed out as to the difficulties in the operation of the positive Hours of Service Law, because when the limitation of time arrives, the train must be tied up, even if it were not more than a few miles from the terminal.

The representatives of the conductors and trainmen all protested against the application, on the ground that it was not necessary; that the privilege of booking rest amply protected; and, generally, that it would necessitate very serious changes in the social relations of the employees represented.

It was pointed out that in some cases conductors and trainmen took long runs, after which they had long rests, which enabled them to live in large centres and enjoy better social and educational privileges for themselves and families; and I can quite readily understand the difference of viewpoint between enginemen and firemen, on the one hand, and conductors and trainmen on the other; but with the privilege of booking rest now open to any employee, and with the strenuous opposition of more than two-thirds of the railway employees in Canada to this application, I am of the opinion that the Board would not be justified in granting the same, and think the application should be refused.

COMPLAINT OF DOMINION MILLERS' ASSOCIATION *in re* EXPORT RATES ON FLOUR
FROM ONTARIO POINTS TO NEW YORK, U.S.A.

*Judgment of Assistant Chief Commissioner, April 19, 1924, concurred in by
Chief Commissioner and Mr. Commissioner Lawrence.*

I.

In the application as launched, reference is made to the Board's Orders issued July 25, 1905, and September 4, 1905, and numbered 586 and 641 respectively, in the matter of the complaint of the Dominion Millers' Association *re* rates on flour and other grain products, and it is asked that the Board order the Canadian National and Canadian Pacific Railways to issue their tariffs from points in Ontario to New York based on the so-called re-shipping rate from Chicago to New York. As is later indicated, what really is involved is the question of the construction of the terms of the order in question as affecting the traffic herein concerned.

The fact that the scope of the application was designedly narrowed by the applicant to the matter of the interpretation of the orders in question, with a view to obtaining a ruling as to whether the rates in force were in compliance with the provisions of said Orders may be further emphasized by reference to the evidence.

At p. 2765, *Evid. Vol. 407*, Mr. Watts in response to the query, "Isn't that the question, whether the rates put in force are in compliance with the order or not," answered "Yes, surely that is the question." At p. 2768, he said:—

"This application.....is a very simple one. First, we are simply asking the Board to enforce their own order in respect of these rates, and.....it is up to the railroads to show that they are complying with the order of the Board and are not discriminating in carrying flour and grain from Chicago at rates which are being charged from Goderich."

At p. 2803, the following discussion took place:—

"The CHIEF COMMISSIONER: Are you narrowing your application down to such places as Port Colborne, Goderich, Tiffin, Port McNicoll, and Owen Sound?

"Mr. WATTS: Yes, sir, milling in transit on the ex-lake rate of 78 per cent of the Chicago re-shipping rate; that is exactly what I am after."

At p. 2815, the application as summarized by the Chief Commissioner was stated to be that what was wanted was to have the re-shipping export rate apply to all grain that is milled in Ontario. Mr. Watts assented to this statement. A similar position may be referred to on p. 2806.

In the case as presented for the applicant, reference was made to the provisions of sections 314 and 319 of the Railway Act; that is to say, the question of discrimination was raised. The measure of the discrimination as alleged by the applicant is the difference between what the rate would be on the re-shipping basis as compared with the local export basis. The significance of these two bases is gone into in further detail later on. But what is in effect being contended is that, under the orders of 1905, the re-shipping basis is applicable and that since the rates complained of are not on the re-shipping basis the difference represents the discrimination arising from the non-application of the rates which the applicant alleges he is entitled to under the orders of 1905; that is to say, it comes back again to the questions of the orders.

As bearing on this, the following excerpt from the evidence—pp. 2771-72—may be referred to:—

"The ASSISTANT CHIEF COMMISSIONER: First of all, we have a case concerned with the construction of the order of 1905. Secondly, we have this question of discrimination against the eastern mills, and that is a separate and distinct matter not dependent upon the order of 1905.

"Mr. WATTS: No, that is a question of whether the rate now in effect from Goderich as compared with the rate from Fort William is discriminatory.

"The ASSISTANT CHIEF COMMISSIONER: Let me get it clearly. I am not trying to take advantage of you. This is a second separate and distinct case not concerned with the order of 1905.

"Mr. WATTS: It is part and parcel of the order of 1905.

"The CHIEF COMMISSIONER: If we hold that you are right in your contention as to the proper interpretation of the order of 1905, you would take 4 cents off the Goderich rate?

"Mr. WATTS: Yes.

"The CHIEF COMMISSIONER: Then instead of there being a difference of 6½ cents there would be a difference of 2½ cents?

"Mr. WATTS: That is right.

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"The CHIEF COMMISSIONER: And that would be the result of changing the rate according to your interpretation of the order of 1905?"

"Mr. WATTS: Yes.

"The CHIEF COMMISSIONER: So that really you are asking now what the result would be, you are trying to make out that there is discrimination.

"The CHIEF COMMISSIONER: That is, the present rate is discriminatory?"

"Mr. WATTS: But it all gets back again to the proper interpretation of the order of 1905.

"The CHIEF COMMISSIONER: This is simply a second argument why the rate should be reduced.

"Mr. WATTS: Yes, why the rate should be reduced as contemplated, according to my contention, by the order of 1905, because if you do not reduce it that way you are going to make the rate discriminatory against Goderich as opposed to the rate from Fort William on this same product."

As presented, the argument based on discrimination is part and parcel of the argument as to the scope of the orders of 1905. The real question involved is the interpretation.

II

The application as originally filed covered export rates on flour from Ontario points to New York, as governed by the interpretation of the provisions of the orders of 1905. Subsequently, as indicated in the excerpts from evidence already cited, it was enlarged to include ex-lake grain from Bay ports shipped to milling points in Ontario, there milled, and the product reshipped for export; and finally was restricted to the class of traffic just described. But it was still urged that the interpretation of the orders of 1905 was the material question.

III

As above set out, the orders referred are those of July 25, 1905, and September 4, 1905. The order of September 4 was amendatory in regard to the scope of the percentage groupings. The order of July 25 is the one to which especial reference must be made. By section 1 of this order, which is No. 586, it is provided:—

"I. That so long as the companies owning or operating railway lines in Ontario find it convenient and expedient to continue the prevailing system of computing their rates to the Canadian and United States Atlantic seaboard, on freight traffic for export, on the basis of percentages of the co-existent rates from Chicago to New York, or until otherwise ordered by the Board, the said companies shall, for the station groupings and percentages previously adopted, and now in use, substitute the following station groupings and the following maximum percentages of the Chicago to New York rates, namely;—"

The complaint which was before the Board and which was dealt with by the orders of 1905, while involving rates on grain and grain products, was wider in that it covered freight traffic generally originating at stations in Ontario and shipped to Montreal and Atlantic seaports for export. Section 6 of the order (No. 586) stated that the provisions of the order were to cover all export traffic including grain and grain products.

The orders prescribed from Ontario points, first, a revision of station groupings and maximum percentages of the Chicago to New York rate to be applicable therefrom to New York which were more favourable to the public than the basis of rates previously charged; second, that export rates to Montreal, instead of being the same as to New York, were to be the same difference below the New York rates as existed from Chicago, Detroit, Port Huron, and intermediate points, with the further stipulation that the ordinary summer class and commodity rates to Montreal were not to be exceeded on export traffic.

In the present application, only the rates to New York were referred to in the application as developed in written submissions and at the hearing.

By reference to section 1 of the order, it will be noted that a new system of rates is not created. Reference is made to the existing system; that is to say, it applies only to rates which are based on percentages of the Chicago to New York rate. It made readjustments of station groupings and percentages. It did not change the rate basis. As set out in the order, "the said companies shall, for the station groupings and percentages previously adopted, and now in use, substitute the following station groupings and the following maximum percentages"

The Board's orders above referred to were made effective October 1, 1905. The export rates applied on flour and grain shipped from the various Ontario stations included in the percentage groupings described in the order.

The various Bay ports did not, under the station groupings provided in the orders, all take the same percentage of the Chicago to New York rate.

Under the rates on flour and grain as quoted, neither Ontario-grown grain nor ex-lake grain could be stopped off in transit for milling and reshipment of the changed product to New York for export at the through rate, plus a stop-off charge. The rate simply applied on grain or flour shipped, without stopping in transit or change in the character of the commodity, from the Ontario point of origin to New York for export. The Board's orders in question did not prescribe milling in transit rates or milling in transit privileges with respect to either class of grain here described.

In the case of ex-lake grain from Bay ports to Montreal, Portland, etc., the rates are not now and never have been based on the Chicago-New York rate and the percentage groupings.

In the case of wheat, ex-lake, milled in transit at stations in Ontario, the flour being reshipped to Montreal for export, there was in effect on October 1, 1905, a rate from Bay ports which was not modified by the Board's orders of 1905. The rate in question was not based on the Chicago-New York rate.

A tariff establishing the milling in transit arrangements on ex-lake grain from the Bay ports to Portland, Boston, St. John and Halifax came into force from June 10, 1907. The rates involved were not based on the Chicago-New York rate, but upon the customary differences over the Montreal rate.

As regards New York, there was no tariff in existence in 1905—nor was one issued as a result of the Board's orders in that year—naming (a) ex-lake grain rates from Bay ports to New York for export; (b) through ex-lake rates on grain from Bay ports shipped to milling points in Ontario, there milled, and the product reshipped to New York for export.

The item above referred to as (a) is still in the situation that there are no rates in connection with this traffic. Item (b) is the matter raised in the present application, after the modification made by the applicant as set out in section II above.

While the orders of 1905, on which reliance is placed from the standpoint of interpretation, became effective October 1, 1905, ten years elapsed before the tariff issued dealing with the item marked (b) in the preceding paragraph. It

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was not until December 15, 1915, after considerable correspondence, and a discussion which took place at Montreal on November 16, 1915, between Mr. Watts and representatives of the Grand Trunk Railway Company, that a tariff was put into force applying from Bay ports on grain, ex-lake, for milling in transit and reshipment to New York, Philadelphia and Baltimore for export.

In a summary way, it may be stated that traffic has been moving for years to New York from various points on rates which are not a percentage of the Chicago-New York rate, and which have not been alleged, until the present application was launched, to fall within the provisions of the orders of 1905. The fact that a specific tariff was put in to deal with a movement to New York for export, including stop-off for milling at points in Ontario, would appear to be of special significance in regard to the understanding by shippers of the scope of the orders of 1905.

IV

The essence of the application is that the ex-lake rate from Bay ports to New York, for export, be measured by the Chicago-New York reshipping or proportional rate so-called using the percentages as prescribed in the orders of 1905. There are now in effect from Chicago to New York two sets of rates on grain, flour and other grain products. One of these is known as the Chicago-New York local export rate; the other is the Chicago-New York proportional or reshipping export rate.

The local export rate applies on traffic originating locally at Chicago, and it also governs on grain products or flour on which the transit privilege has expired by limitation. When the orders of 1905 issued, there was no definite proportional or reshipping rate in existence from Chicago applying on flour or other grain products; that is to say, the local export rate from Chicago to New York was the rate to which the percentages of the grouping provided for under the orders were applied.

In May, 1907, there came into operation the proportional or reshipping rate which represented the proportions then obtaining east of Chicago out of the joint through rates from Minneapolis. Under the American tariffs (C.F.A., C.R.C. No. 825), carrying the provisions in this regard, it is set out that the reshipping or proportional rates concerned will apply only on the traffic when originating at points from which no joint through rate is in effect in connection with the inbound carrier via the reshipping point from original shipping point to final destination.

East of the Indiana-Illinois State line, the rates on the commodities concerned have never been measured with relation to the proportional or reshipping rates from Chicago, but have been measured with due relation to the local export rate from Chicago. There must be borne in mind the further fact that a large amount of traffic is handled under milling-in-transit arrangements, under which the through rate on grain or grain products, whichever is higher, from the point of origin of the grain, or basing point, to final destination, plus transit charge, is protected.

V

What is involved is not the unreasonableness of existing rates in themselves. The single question involved is the interpretation of the orders of 1905 as affecting the rates operative. Mr. Watts, who is active in the application, has for years been engaged in the grain business and has given much

attention to the question of grain rates. He has designedly limited his application to the question of the interpretation of the orders of 1905. This significant limitation defines the matter which is before the Board.

As pointed out, when the orders became effective, the local export rate was in existence. This, manifestly, was the only rate basis to which the percentage system could apply at the time in question. Subsequently, the reshipping rate came into existence. Both the local export rate and the re-shipping rates are now in existence. Mr. Watts contends, in substance, that the local export rate is simply a paper rate so far as United States traffic is concerned. This does not, however, affect the question of interpretation. What is involved in the matter of interpretation is what the orders of 1905 were dealing with.

What was before the Board in 1905 was export traffic originating at points in Ontario. With respect to this, the principle of the Chicago-New York rate basis being already operative, the orders fixed revised percentage groupings. The rates charged were in relation to the rates on United States traffic which was treated from a rate standpoint as originating at Chicago.

There were not before the Board in 1905 any submissions regarding, on the one hand, through rates from United States points west or north of Chicago, and, on the other hand, through rates from Canadian points beyond the Bay ports. The percentages prescribed were percentages of Chicago-New York rates to be applicable from Ontario points. They were not percentages of that proportion of the through rate from points west or north of Chicago which was represented by the proportion of this through rate accruing to the roads running east from Chicago. This proportion of the through rate was published in 1907 as a proportional or reshipping rate applicable east of Chicago, with respect to traffic originating west or north thereof. But while this is true, neither the record nor the orders of 1905 disclose that the arrangement made in 1907 was in contemplation or considered in connection with the issuance of the orders of 1905.

Dealing with rates to New York on the specific traffic referred to, the conclusions justifiable are as follows:—

(1) The orders covered only such export rates from Ontario points as were based on percentages of the Chicago-New York rates.

(2) The orders did not affect export rates from Ontario points where the rates were not at that time constructed on percentages of the Chicago-New York rates.

(3) The orders did not apply with respect to any class or traffic on which export rates to New York were not at that time in existence.

(4) The orders did not prescribe milling in transit rates or milling in transit privileges.

(5) The orders fixed rates from Ontario points based on percentages of the rate from Chicago, not percentages based on the proportion accruing to the roads east of Chicago on traffic originating in territory west or north of Chicago.

The justifiable interpretation of the orders of 1905 would, then, appear to be that the percentages provided for under said orders were based upon the local export rate, the only rate basis available at that time; and it further appears that in respect of ex-lake grain from Bay ports shipped to milling points in Ontario, there milled and the product reshipped for export, this traffic was not covered by the orders in question. Consequently, the allegation that the orders of 1905 have been violated in respect of this traffic fails.

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In re PROPOSED NORTHWEST GRADE SEPARATION, TORONTO, ONT.

Judgment of Chief Commissioner, May 8, 1924, concurred in by Assistant Chief Commissioner and Mr. Commissioners Boyce and Lawrence, Mr. Commissioner Oliver dissenting.

In the month of November, 1922, the city of Toronto made application to this Board for an order that the Canadian Pacific Railway Company and the Canadian National Railways be required to collaborate with the corporation in the preparation of a joint plan for the separation of grades in the northwestern portion of the city of Toronto.

Parties were heard at Toronto on February 14, 1923, when, after considerable discussion it was suggested that the city and the two railway companies endeavour to arrive at a satisfactory agreement among themselves. A great many conferences were held and, we believe, an honest attempt was made by all parties concerned, to arrive at a conclusion, but as they failed to do so, the case finally came on for hearing at Toronto on the 8th day of January, 1924, when separate proposals were made by the city of Toronto, Canadian Pacific and Canadian National Railways.

Generally speaking, the application as developed involved—

(1) Grade separation at all level street crossings now existing on the Canadian Pacific double track known as the Galt Subdivision, the Canadian National double track Brampton Division and the Canadian Pacific single track known as the Toronto, Grey and Bruce, from Bloor street north to and including St. Clair avenue and also including Wallace avenue, Humberside avenue, and Junction road, at which there are no level street crossings at the present time.

(2) Subways at all level street crossings on the Canadian Pacific Railway North Toronto line, from the West Toronto diamonds eastwardly to and including Barlett avenue, as well as grade separations at Primrose and Perth avenues, at which points there are now no level crossings.

(3) Subways at all level street crossings on the Canadian National Newmarket Subdivision from Bloor street northerly to and including St. Clair avenue and also grade separations at Wallace avenue and Lappin avenue, at which points there are now no level crossings.

The Canadian Pacific filed plans and made proposals proposing grade separations on the first of the lines above mentioned at Bloor street, Royce avenue and St. Clair avenue, and on their North Toronto line, being the second above mentioned at all street crossings proposed by the city, with the exception of Perth and Primrose avenues.

The Canadian National proposed a cut-off from a point some distance north on their Newmarket Subdivision running southwesterly and connecting with their Brampton Subdivision just north of St. Clair avenue, thereby proposing that all their trains should run over this cut-off and the Brampton Subdivision to and from the city, leaving the Newmarket Subdivision purely as an industrial and switching track and suggested that there be no grade separations on that subdivision.

The city proposed the elevation of the tracks on the main double track lines, being the first line herein referred to, commencing at a point about 4,000 feet south of Bloor street and reaching an elevation of ten feet above the present track level at Wallace avenue; continuing the same elevation beyond Royce avenue, with an excavation $8\frac{1}{2}$ feet deep between the West Toronto diamonds and St. Clair avenue, and suggested that all tracks on these lines be bunched together leaving sufficient space for six tracks, the object being to shorten the subways and reduce consequent land damages.

The city also proposed the elevation of tracks on the North Toronto line from $4\frac{1}{2}$ to $6\frac{1}{2}$ feet, and the elevation of tracks on the Newmarket Subdivision, nearly corresponding to the proposed elevation on the main double track lines. The Canadian Pacific objected to the elevation of tracks on the main double track line to any extent, and also to the bunching of tracks as suggested by the city, on two grounds: First, that it would seriously interfere with the traffic possibilities, as it would increase the grade from 0.84 to something over 1 per cent. and secondly, that such an elevation would seriously interfere with the service to existing branch lines or industrial spurs.

Both railway companies objected to the bunching of tracks or in any way contracting the available trackage space as it is the main entrance of both railways from the north into the city of Toronto, and they objected to any curtailment of the possibilities of further development which would result from a contraction of the existing space. The Canadian Pacific proposed elevating their tracks on the North Toronto division, generally speaking, from $1\frac{1}{2}$ feet to $3\frac{1}{2}$ feet less than that proposed by the city, claiming that the elevations which they were proposing were absolutely the limit consistent with the proper operation of industrial spurs as they are now located.

The Canadian National proposed the elevation of the tracks on the main double track line somewhat less than that proposed by the city, but reaching the same elevation, namely, ten feet at Royce avenue, but objected to any elevation of tracks on the Newmarket Subdivision excepting about three or four feet at the diamond at the crossing of the Newmarket North Toronto Canadian Pacific Subdivisions necessary to meet the proposed elevation of the North Toronto grade.

If the city's proposal should be carried out, it would greatly decrease land damages, because the subway approaches would not extend nearly as far away from the tracks as they would if the subways were constructed under the tracks at the existing levels, moreover, the elevation of the tracks would probably make it possible to construct subways in future more easily than it could otherwise be done, but on the other hand there would be an increase in cost in elevating the tracks.

The territory served by the three railways as above described is the great industrial centre of the city of Toronto and probably the greatest industrial centre in Canada, and I feel it would be a great mistake to do anything which would hamper access to and from these industries or in any way tend to discourage not only present conditions but expansion, and therefore feel that the tracks should not be elevated except where absolutely necessary, and then only to the minimum height, in order to carry out necessary improvements.

The matter must be looked at not only from the standpoint of the grades on the railway tracks, but also from the standpoint of the grades on the industrial sidings serving industries tributary to the railways. For example, on the Galt subdivision of the Canadian Pacific Railway, the Canadian National double-track Brampton division, and the Canadian Pacific single-track line known as the Toronto, Grey and Bruce, the maximum grade at present is 0.84 per cent. If the city's plan were followed, this would increase the grade to 1.04 per cent, thus distinctly lessening the operating efficiency of the railways.

On the railway plans as filed, the maximum grade proposed on the industrial sidings on the lines above mentioned, as well as on the Canadian Pacific North Toronto line, is 2 per cent. This is the same maximum which was adopted by the Board in the case of the industrial sidings on the North Toronto Grade Separation. To adopt, as is set out in various portions of the city's plan, industrial siding grades in excess of 2 per cent would not only curtail the facilities of the industries concerned, but would also interfere with the economic operation of the railway trackage.

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I also think it would be very unwise to bunch together existing tracks thereby restricting the use by the railways of any land now possessed by them in their entrance to the city of Toronto. While no doubt for many years sufficient room would be left after taking away 40 or 50 feet of land, but it is the principal entrance from the north to the city of Toronto which to-day is the second largest city in Canada, and which without doubt will be one of the greatest cities of the continent, and for the small amount of money to be saved I think it would be a great mistake to in any way interfere with further requirements in the way of traffic.

While no doubt the construction of the cut-off herein referred to might be an advantage to the Canadian National Railways from an operating standpoint, yet I feel sure that the retention of the Newmarket Subdivision from Bloor street to St. Clair avenue as an industrial proposition will be productive of such interference with street traffic with resulting danger to the public, as will necessitate, in the interests of public safety, grade separations at points hereinafter referred to, where the street traffic is congested. The maintenance of these tracks, for industrial purposes, will involve a great deal of switching. That switching must be carried on in congested areas over street crossings at grade where traffic is dense, and would unquestionably prove a menace to public safety. This Board has become convinced that switching movements in congested areas are as dangerous as, and probably more dangerous, by reason of their frequency and uncertainty than regular train movements, and the Board's records of fatal accidents (one of recent date in the city of Toronto over purely industrial tracks, involving the loss of two lives) abundantly substantiate this statement. To limit the hours during which switching movements can be carried on in a congested industrial area, in a city the size of Toronto, is not possible without serious interference with traffic and imposing serious inconvenience upon the important interests concerned therein. Due consideration having been given to all these factors I am satisfied that in the interest of public safety and having regard to all other considerations as to convenience of and non-interference with the traffic tributary to this area, this line should not be retained for industrial purposes without separation of grade at congested grade crossings.

It is my view, therefore, that the whole situation should be settled now on lines which this Board considers just and proper, having regard to the paramount consideration of public safety, and if the Canadian National Railways are desirous of building a cut-off it must be done by them as a transportation policy and not under direction of this Board as part of a general scheme to render more safe the operation of railways in this portion of the city of Toronto.

The reference above made to the elevation of tracks and their consequent interference with the proper use of industrial spurs applied to spur lines on the Newmarket Subdivision as well as on the double track lines, and therefore I am unable to agree with the city's contention as to either the elevation of tracks or the bunching of the same, or with the Canadian National Railways' proposition as to the construction of the cut-off and the elimination of any grade separation on the Newmarket Subdivision.

The city and the Canadian Pacific Railway proposed an overhead bridge at St. Clair avenue. The Canadian National Railway, however, proposed a subway, on the ground that it answered the purpose just as well and would be considerably cheaper. This seems to be admitted by the Canadian Pacific Railway and the city, and therefore I think there should be a subway at this point rather than an overhead bridge. The city proposed a subway at Junction road, which was not in the Canadian Pacific Railway proposals. It is my opinion that this is necessary, as far east as Miller street, and I think it should be constructed, but it seems to me that the overhead bridge on the Weston road

should be eliminated, as both do not seem necessary. I know it makes the traffic along the Weston road into the city a little more circuitous and possibly a little more lengthy, but with subways at Keele street, Junction road, Osler and Royce avenues, further maintenance of this bridge would be unnecessary.

I, therefore, think an order should issue laying down the following principles for grade separations on the railways herein referred to as follows:—

(1) On the main double track lines herein referred to as Galt, Brampton and Toronto, Grey and Bruce Subdivisions there should be no change in grade or interference with the width of right of way, and there should be subways constructed at Bloor street, Royce avenue, Junction road and St. Clair avenue, all these subways to be the full width of the street with 14 feet clearances, the Junction road subway to extend as far east as Miller street. If the city desire a continuance thereof to Davenport road it would be a matter for them to work out as they thought best. the present Weston Road bridge to be eliminated; the Royce avenue subway to involve the acquisition of additional land and the construction of a diversion of Dundas street as set forth on the Canadian Pacific Railway plan.

(2) Track elevation and grade separations on the Canadian Pacific Railway North Toronto line, according to the plan filed by the Canadian Pacific Railway and including subways at Osler avenue, Symington street, Lansdowne avenue, Dufferin street and Bartlett avenue, all to be the full width of street and 14-foot clearances.

(3) Subways to be constructed on the Newmarket subdivision at Bloor street, Royce avenue, Davenport road and St. Clair avenue, all to be the full width of street and 14-foot clearances, and in all these cases, if the city requires greater clearances than 14 feet, which is the statutory standard, the same to be granted, the additional expense, however, to be borne entirely by the city.

I think it unnecessary to make any reference to the question of cost, because there is not very much difference in the ultimate cost of any of the schemes proposed, but the general proposals herein laid down are based more upon the requirements of the industries of the city of Toronto and the operation of the railways both at the present and the future, and the laying down of a comprehensive scheme of grade separation in that portion of the city, than upon the mere question of cost, although, of course, that should play an important part in any matters of this kind.

Copies of this judgment and the order based hereon to be sent to all interested parties and another hearing to be held at the earliest possible date, for the purpose of settling all details of an engineering nature, the distribution of cost and the time and method of carrying out the work herein provided for.

COMMISSIONER OLIVER:

I agree with the judgment of the Chief Commissioner in so far as the subways across the tracks of the Canadian National and Canadian Pacific Railways from Bloor street to St. Clair avenue, inclusive, are concerned, and also in regard to subways on the North Toronto connection of the Canadian Pacific.

As to the Newmarket subdivision of the National Railway, my opinion is that all interests would be best served by establishing a connection between the Newmarket and Brampton subdivisions at some point west of St. Clair avenue, and routing all trains, both freight and passenger, moving between Toronto Central Station and that Junction, over the double track lines. If this were done, as suggested by Mr. H. M. McLeod, the section of the Newmarket line from which traffic had thus been diverted, would be used only as an industrial spur, and therefore subways would not be necessary.

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Under present street traffic conditions, there is greater danger to life and limb, both of pedestrian and auto passengers, in the ordinary traffic of a busy street, than at a level railway crossing where train movements are infrequent and at a low rate of speed.

In the province of Ontario in 1923 there were 236 fatal and 2,348 non-fatal accidents from motors, motorcycles and trucks. In the same period there were 117 fatal and 202 non-fatal accidents from railroads. This danger of street traffic must always be present, so long as persons unskilled, or of careless temperament, drive cars. A subway adds to the ordinary danger of the street, therefore subways should be avoided, so far as that can be done consistently with the public convenience and safety.

A subway is a detriment to the business interests of the street which passes through it. It breaks the continuity; to the great detriment of business on either one side or the other of it. This is largely because the subway practically kills business for the whole of its length. By the city plan the Bloor street and Davenport road subways would each be over 800 feet in length and the St. Clair avenue subway over 1,000.

The Newmarket Subdivision of the National and the double track lines of the Canadian Pacific Railway and National parallel each other at a distance of 1,300 feet at Bloor street and of 2,800 feet at St. Clair avenue. On Bloor the ends of the subways would be only 550 to 600 feet apart. On Royce, Davenport road and St. Clair avenue, they would be from 1,800 to 1,900 feet. Subways so near together would not only destroy the value of the property fronting on them, but would seriously lessen the value of the intervening property as well. This decrease of value could not be taken into account in considering damage claims; the property owners would simply have to suffer the loss.

The distance between Bloor street and Royce street is 3,150 feet. Three streets parallel to Bloor and Royce serve the area between. The centre one of the three, Wallace avenue is the only one now opened through and crossing the Newmarket tracks. If through traffic is to move over the Newmarket Subdivision as at present, and Wallace avenue is left open and without a subway as contemplated, the danger and inconvenience now complained of will remain, so far as it is concerned. The alternative is to close Wallace and block all cross travel between Bloor and Royce, or construct an additional subway across the Newmarket tracks on Wallace, with no corresponding subway across the double tracks.

The proposed subway at the Davenport road crossing of the Newmarket tracks is entered on its westerly side close to the railway right of way, and therefore at the maximum depth of the subway, by Station road which is only half the width of an ordinary street. The driver of an automobile in the Davenport road subway could not see the near approach of an automobile by way of Station road, neither could a driver on Station road see an automobile in the Davenport subway. The point of junction of Station road with the Davenport subway would be from seven to nine feet below the surface level; the depth depending upon the elevation of the tracks and on the clearance allowed in the subway. With possibly hundreds of automobiles passing through the subway in a day, it would be impossible to estimate the danger incurred, but it must be immeasurably greater than an ordinary level railway crossing having only a moderate movement of traffic.

At the proposed St. Clair subway under the Newmarket tracks a like condition prevails to that at Davenport road. Station road enters the St. Clair subway from the east under precisely similar circumstances, and necessarily with similar consequences. Caledonia street also enters the subway but from the west, practically doubling the danger.

Instead of removing danger at the crossings of Davenport road and St. Clair avenue, the construction of subways as above described creates a new danger, greatly in excess of that at present existing, and immeasurably greater than would result from leaving the crossings as they are if the through railway traffic were altogether diverted from that line.

By routing all through traffic, now going over the Newmarket Subdivision, by way of the National main line, there would only be a switching movement on that subdivision to meet the requirements of the industries served by it. With traffic so limited, it would be possible and proper to open Paton road and Antler-Lappin avenues, as well as Wallace, across the Newmarket tracks and thereby add greatly to the convenience of residence and business on these streets on both sides of the tracks. In order that there might be neither inconvenience nor danger resulting, it would be possible to restrict switching movements to certain hours in early morning, mid-forenoon, mid-afternoon and late at night, so that there would be absolute assurance of no interference with the street traffic during hours when such traffic might be congested or urgent.

The cost of the connection or cut-off proposed by Mr. McLeod is placed by him at \$810,000, including land damages. The construction of four subways under the Newmarket Subdivision with land damages, is estimated by the city to cost roughly \$1,800,000. If a subway at Wallace avenue is added, the cost would be increased by \$167,000, making a total of nearly \$2,000,000.

If the public safety or convenience demanded the expenditure of the larger sum required for subways under the Newmarket track, that must be accepted as sufficient reason for its being spent. But, believing that the safety and convenience of the public would be better served by diversion of the traffic, I do not consider that an order should be made that would compel the larger expenditure.

For the foregoing reasons I would respectfully recommend that the judgment of the Chief Commissioner be varied in that part relating to the Newmarket Subdivision, to read as follows:—

1. That the National Railways construct a connection between the Newmarket Subdivision and the double track main line of the Canadian National Railway, west of St. Clair avenue, according to plan and profile shown by Mr. McLeod.

2. That after such construction no through traffic be allowed to pass over the Newmarket Subdivision between Toronto Union Station and the junction west of St. Clair avenue.

3. That there be no switching movements on the Newmarket Subdivision except during certain hours in early morning, mid-forenoon, mid-afternoon and late at night, as shall be fixed by an order of this Board, and that under no circumstances shall an engine or car remain stationary on any street crossing for more than such number of minutes as may be permitted by standing order of the Board.

4. That the railway consents to Paton road being opened across the track of the Newmarket Subdivision and that connection between Antler and Lappin avenues also be permitted to be made across that track, if and when the city so requests.

In re RATES ON EX-LAKE GRAIN

Judgment of the Board, May 14, 1924, Chief Commissioner, Assistant Chief Commissioner, Mr. Commissioner Boyce.

Submissions were recently made to the Board by some of the milling companies with regard to rates on grain products milled from ex-lake grain and shipped to Montreal, Quebec and Atlantic seaboard ports for export. The

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matter has also been the subject of conferences between the Board and representatives of the Canadian National and Canadian Pacific Railways. After giving very careful consideration to the submissions of the milling companies and the representations of the railway companies the Board has decided to direct the following reductions in the rates on ex-lake grain when milled, bagged, cleaned or clipped at lake ports or in transit and reshipped to Atlantic seaboard ports for export:—

From	To	Rates in Cents per 100 Pounds	
		Present	Proposed
Collingwood, Ont.	Montreal, Que.....	19	17½
Depot Harbour, Ont.	Quebec, Que.....		
Goderich, Ont.....	St. John, N.B.....		
Midland, Ont.....	West St. John, N.B.....		
Port Colborne, Ont.....	Halifax, N.S.....	19½	18½
Port McNicoll, Ont.....	Portland, Me.....		
Tiffin, Ont.....	Boston, Mass.....		
	East Boston, Mass.....		
	New London, Conn.....		

The rates named above to apply on carload shipments of grain milled, bagged, cleaned or clipped at shipping points specified; also on carload shipments ex-lake when milled, bagged, cleaned or clipped in transit at other stations within Canada and to include stop off charge of 1 cent per 100 pounds, but are exclusive of charge for out of line haul, if any.

To	From	Rates in Cents per 100 Pounds			
		Grain and Flour		Other Grain Products	
		Pres.	Psd.	Pres.	Psd.
	Collingwood.....	24	22	25	23
Baltimore, Md.....	Depot Harbour.....	26½	24½	27½	25½
Philadelphia, Pa.....	Goderich.....	22½	21	23½	22
New York, N.Y.....	Midland.....	24	22	25	23
Weehawken, N.J.....	Port Colborne.....	20	18½	21	19½
	Port McNicoll.....	24	22	25	23
	Tiffin.....	24	22	25	23

The rates named above, plus stop-off charge of 1 cent per 100 pounds and charge for out of line haul, if any, will also apply on carload shipments of grain, ex-lake, milled, bagged, cleaned or clipped in transit at other stations within Canada.

Re ELECTRIFICATION OF MARKER AND CLASSIFICATION LAMPS ON LOCOMOTIVES EQUIPPED WITH ELECTRIC HEADLIGHTS

Judgment of Chief Commissioner, April 28, 1924, concurred in by Deputy Chief Commissioner and Mr. Commissioner Lawrence.

This case is an application by the Brotherhood of Locomotive Engineers, and the Brotherhood of Locomotive Firemen and Enginemen, asking that an order of this Board issue directing railway companies under its jurisdiction to install electric lights in all classification lamps on engines equipped with electricity.

It came to the Board in the form of a resolution passed by the general organizations, and was forwarded to the railway companies for their sub-

missions. The replies showed that practically all railways in Canada, excepting the Canadian Pacific Railway, were now using electric lights for classification and, in many cases, marker lamps.

At the hearing, the application seemed to broaden out into one for the equipment of both marker and classification lamps with electric lights.

Mr. Riddell, representing the Railway Association of Canada, was rather non-committal as to the question at issue, but took the ground that the Board should not order a matter of this kind, as it should be one of internal economy of the railway company concerned.

Mr. Flintoft, for the Canadian Pacific Railway Company, took practically the same stand, and also questioned the jurisdiction of the Board to make such an order, on the ground that the installation of electric lamps was not necessary for the protection of property, or for the safety of the employees. He referred to section 287 of the Railway Act, subsections (g) and (l), which would read as follows:—

“287. (1) The Board may make orders and regulations,—

“ (g) with respect to rolling stock, apparatus, cattle-guards, appliances, signals, methods, devices, structures and works, including light, heat and power lines or wires, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public and all persons travelling on His Majesty's service;

“ (l) generally providing for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains and the speed thereof, or the use of engines, by the company or on or in connection with the railway.”

The Canadian Pacific Railway Company contended that the electrification of engines had not reached the point, from a mechanical standpoint, which, in their judgment, justified them in relying upon this method of lighting their classification and marker lamps; although they admitted they had eighteen hundred locomotives equipped with electric headlights. Their general contention was that the vibration of the engine might cause either a loosening of the lamp in the socket, or a breaking of the wire or connections, producing a short circuit, and thus put the whole lighting system out of action; and offered some evidence in support of this contention.

On the other hand, they had to admit that very little difficulty had arisen from the use of electric headlights.

Mr. Donahue, General Superintendent of the Michigan Central Railroad, contended that from the time he first commenced railroading down to the present time, oil lamps had been found quite satisfactory, and after considerable cross-examination as to the use of electric classification lamps, stated, page 37, “we have had no trouble since the installation of the classification lamps.” In fact, I failed to see how they could have any trouble, and from the evidence, I am forced to the conclusion that the troubles from the use of electricity in classification and marker lamps has been so negligible that it would be almost impossible to find any positive evidence along that line. No doubt, there have been cases where wires have broken, or short circuits have been effected, causing temporary disruption of the whole installation, but the instances are so rare that I am prepared to hold that, from a mechanical standpoint, electrification is both feasible and as safe in operation as the oil lamp would be.

There was considerable discussion as to whether the switch should be in the cab or at the lamp, and for the present, I think that should be left with the railway companies to decide. It is stated that a small opening exists at the

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rear of the classification lamp, and the engineer will always know by looking at it whether the light is burning or not, just the same as he does to-day with the oil lamp.

It, therefore, seems that the application must be decided upon whether or not the installation of these lamps is necessary "for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains." There can be no argument, whatever, as to the fact that the installation of electric lights in both classification and marker lamps would add to the accommodation and comfort of the employees of the company. I do not know that it plays much part in the protection of property, in so far as the classification and marker lamps are necessary, generally, for the protection of property on the railway, under the operating rules.

Mr. Flintoft practically rested his case from the legal standpoint, on the question of safety, and at the hearing I was rather anxious to see what evidence could be given on that point.

I personally questioned Mr. Best pretty carefully, and the questions and answers thereon will be found on pages 17, 18, and 19 of the evidence.

On page 17, he pointed out that with the oil lamp they had never yet had anything capable of taking care of the burning uniformly without smoking, under all climatic conditions and under all oil conditions; that if a lamp is lighted in a hurry, it will burn up too high, and at other times too low, or it may go out altogether. If it smokes up, it will indicate to the men in the cab that the light must be burning, or it may be that it would indicate that the lights were out. I then asked the following question:—

"Give us the very best you have. You are telling us what might happen. Does it happen?

to which he answered as follows:—

"Yes, sir, it does happen; I will not say that it is an everyday occurrence, but it is a frequent occurrence on meeting a train out on the line, for the lights to be out and the attention of the men called to it by the men they meet, that their lights were out, or that one light was out. How frequent that is at the present time I do not know, but I have no doubt it is just as frequent as it used to be, because while there have been improvements made in the burners in such lights and the lights on the locomotives, it has been practically impossible for them to get a burner which will cope with the various climatic conditions encountered, together with the fact that the condition of the oil itself varies as well, the quality of the oil that is being used.

"With the electric bulb in there, there is never any danger of it being smoked up or dirtied on the inside. The amount of dirt that accumulates on the outside is very small as compared with the amount of smoke that collects on the glass which indicates whether the light is burning or not. That is one of the important features in connection with the question of safety.

"There is another difficulty experienced by men going out there and lighting those lamps. Probably when the wind is high they have to go out, or they get an order to display a signal at a certain point; they might be late, or they might not have been prepared for lighting before leaving the terminal. There is always a great deal of hurry in doing that, because there is always somebody waiting. If the fireman goes out in a hurry, he is very liable to fall off. If it is a question of going out, he has another man in his place in a minute. The two go together; when

he is in a hurry, there is very much more liability of him slipping and falling. Many accidents have occurred where men have been lighting lights in the front, and have fallen off the running board or the steam chest, or as the case might be."

In addition to this, Mr. Best pointed out that while it was true the fireman was responsible that his lamp should be in proper condition for being lighted when necessary, yet as a matter of fact a month or more went by without signals being carried, and in the natural course of events, men became careless and when these lamps were required they were not in burning condition.

So far as the records go, we have no specific denial of these positive statements of Mr. Best; and, therefore, I find that the installation of electric lights in classification and marker lamps might add to the safety as well as accommodation and comfort of the employees of the company in the running and operating of trains; although I have to admit that the evidence is not very strong along that line, but I think sufficiently strong to justify such a finding.

Therefore an order should issue directing the Canadian Pacific Railway Company to install electric lights in the classification and marker lamps of all locomotive engines in the service of the company which are now or in future may be equipped with electric light installations, all engines put in service in the future with electric light installations to have the electric light installed in the classification and marker lamps before entering the service, and all engines now in the service and so equipped to have electric lights placed in the classification and marker lamps not later than the 31st day of December, A.D. 1925.

APPLICATION OF DEPARTMENT OF PUBLIC HIGHWAYS OF ONTARIO, *in re* STEEL BRIDGE
IN TOWNSHIPS OF EAST AND WEST FLAMBORO, WENTWORTH COUNTY, ONT.

Judgment of Chief Commissioner, July 10, 1924, concurred in by Mr. Commissioner Lawrence.

Clappison bridge, so called, is on the trunk highway recently constructed between Hamilton and Guelph, in the province of Ontario, on the road allowance between the townships of East and West Flamboro, county of Wentworth.

For more than 100 years, the highway existed at this point, but in the year 1913, when the Canadian Pacific Railway constructed their line it was agreed between them and the municipal authorities that the highway should be diverted at this point a certain distance to the east where it passes over the railway track at a cut by means of an overhead bridge. By agreement the municipality conveyed that portion of the old highway within the railway right of way to the railway company, and the diversion legally became a part of the highway in place of the original location, and by agreement and an order of this Board, the bridge in question was to be built and maintained solely at the expense of the railway company. They constructed a wooden bridge and have maintained it since 1913, which has answered the purposes of traffic up to the present time.

A year ago, the province of Ontario decided to straighten out the road again and constructed a bridge over the railway tracks on the old location, thereby causing an abandonment of the present wooden bridge, but as the railway company is responsible for the maintenance of this bridge in perpetuity, the question which the Board has to decide is what amount of money they should pay at the present time to the province, as a settlement of all claims which the province might have against them in the future, for construction and maintenance.

It seems to be admitted by all parties, that the present bridge has outlived its usefulness, and must be rebuilt, and at the hearing, Mr. Flintoft claimed

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it could be rebuilt for \$3,050. Our Chief Engineer, Mr. Mountain, has personally inspected the locus and he claims that Mr. Flintoft's figures are practically correct for a bridge of the dimensions referred to by him, but on account of the great increase in traffic the bridge, when rebuilt, would have to be 30 feet wide instead of 20 feet, as at present, capable of carrying a load of 15 tons, which would be a fair standard in that portion of Ontario at the present time, and would cost \$5,000.

He also claims that this bridge would have to be surfaced with a top layer of planking about once in three years, and that the bridge would again have to be rebuilt in twelve years, and so on continuously at periods of twelve to thirteen years. As the bridge must be rebuilt at once therefore, I have no difficulty in finding what amount the railway should contribute for that particular purpose, namely the sum of \$5,000, and as the company must rebuild at the end of twelve or thirteen years in the future and keep on doing so, it seems to me in addition to this sum, they should pay the province such a sum of money as would when compounded at 6 per cent interest for twelve years produce a fund sufficient to erect another bridge and leave the capital amount intact for accumulation in the future. I have taken \$5,000 as the amount, and on going over the matter I find that in twelve years \$5,000 compounded at 6 per cent interest would produce \$5,064, and as the bridge might possibly last another year, it seems to me there would be sufficient income not only to provide a fund for rebuilding, but for maintenance as well, and therefore I think \$5,000 is the correct sum for that phase of the case.

Putting these together, it would amount to \$10,000, which the railway company should pay to the province, and be entirely exonerated from any further liability or contribution, either toward the construction or maintenance of the new bridge or of the wooden bridge now existing on the highway.

APPLICATION OF MEIGS PULPWOOD CO., NEW YORK, N.Y., *in re* RATE ON PULPWOOD
IN CARLOADS

*Report of Chief Traffic Officer of Board, July 4, 1924, adopted as Board's
Judgment*

The above matter was submitted to the Board by applicants under date of May 19, 1924, by a statement of facts filed by them, which reads as follows:—

“On August 31, 1923, we commenced the shipment of pulpwood from Greening Que., to Cornwall, Ont., taking delivery of the cars at that point.

“As to the first eight cars arriving at Cornwall (as per schedule A attached) the railroad assessed, and this company paid, freight charges on the basis of 16 cents per cwt., as per page 14, of C.N.R. Tariff C.F-148, C.R.C. E-630 (applying specifically to ‘Pulpwood’).

“After the arrival of these cars and at a time when a large number of cars were en route to Cornwall, from the same point of origin, the railroad, without previous notice, assessed 28 cents per cwt., instead of 16 cents. This excess charge was applied to nineteen cars.

“Assuming this to be an error, we made claim for refund against the railroad as the freight bills were received by us. Ten of these claims were paid (as per schedule B attached).

“As to the remaining nine cars, the railroad has refused to make refund on the following grounds:—

“That the tariff is applicable only on pulpwood for manufacture and reshipment via the Canadian National Railways, by virtue of the fact that on page 3 of the tariff in question is a list of mileage rates to

forty-four different points in Canada, the heading of which list states that the rates cover pulpwood 'for manufacturing and reshipment via the Canadian National Railways.' It is their contention that the specific rates shown in the same tariff, commencing on page 9, to six points, including Cornwall, are simply a reproduction of the mileage rates '*for the information of their agents*'; that therefore a heading covering the mileage list also applies to the specific rates published in the same tariff and that, inasmuch as the wood was not manufactured at and reshipped from Cornwall, via the Canadian National Railways, although delivery was actually made and accepted at Cornwall, the specific rates listed in the tariff were not applicable to this traffic.

"We consider their ruling in this connection unjust for the following reasons:—

"*One.* Tariffs are published in accordance with legal requirements for the purpose of notifying the public of legally established freight rates and are not subject to change by the railroad without due legal process and public notice.

"*Two.* Tariff C.F.-148, C.R.C. E-630, on the face of it, states 'Special, Local, Competitive, Proportional and Joint Freight Tariff, in connection with Participating Carriers shown on page 2, on Pulpwood, Carloads.'

"The fact that the title specifies 'Participating Carriers' shows that the rates published therein were not intended solely for application to pulpwood 'For manufacture and reshipment via the Canadian National Railways.'

"*Three.* There is no paragraph in the tariff stating that the specific rates shown on pages 9 to 21 are simply reproductions of the mileage rates shown on page 3.

"*Four.* The tariff is specifically divided into three parts, namely, 'Milage Rates,' 'Specific Rates' and 'Miscellaneous Rates.' The mileage rates are applicable to 44 different points, the specific rates to six points, and the miscellaneous rates to 35 points.

"A specific list of stations to which mileage rates apply appears on page 3 of the published tariff. A specific list of stations to which specific and miscellaneous rates apply appears on page 8 of the published tariff.

"*Mileage rates.* This list contains 44 points, 23 of which do not appear in the list of stations on page 8.

"*Miscellaneous and Specific Rates.* This list contains 43 points, 23 of which do not appear in the list of stations on page 3.

"*Specific Rates.* These rates are applicable to six points, two of which do not appear under the Mileage List of Stations on page 3.

"It is therefore evident that the railroad's contention that 'The specific rates are simply a reproduction of the mileage rates' is incorrect as the two lists, each containing points not named in the other, cannot possibly be a reproduction, one of the other.

"In this connection, we quote from the railroad company's letter dated March 11, 1924:—

"'It may be quite true, as stated by the Meigs Pulpwood Company, that the provision that the wood must be manufactured and the product reshipped via the line bringing it in can be interpreted as applying only to the mileage scale; but, as a matter of fact, the specific rates published in the tariff in question are simply a reproduction of the mileage rates for the information and ready use of our agents, and therefore, it is quite obvious the same restriction must attach to such specific rates,'"

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"Five. On December 1, 1923, after complete delivery of shipments covered by our claims, the Canadian National Railways issued Supplement No. 13 to their tariff C.F.-148, C.R.C. E-630, which changed the cover to read 'Pulpwood, Carloads (For manufacturing and reshipment, except otherwise specified).' On page 2 of the supplement, under the heading 'Specific Rates,' it was noted 'Add reference mark 1 to Cornwall, Cornwall Jet., Georgetown, Merritton, Thorold, Ont., and Windsor Mills, Que.' Reference mark 1, on page 3, read 'Applicable only on pulpwood for manufacturing and reshipment via Canadian National Railways.'

"It is evident that the supplement was issued to cover a point which was not covered by the tariff itself.

"This company has, for the past six years, been shipping pulpwood into Cornwall and taking delivery at that point, the rates always having been assessed on the basis of the tariffs preceding and cancelled by C.F.-148.

"In view of the foregoing we respectfully submit that the proper and legally published rate covering pulpwood moving from Greening, Que., to Cornwall, Ont., prior to December 1, 1923, was 16 cents per cwt., under the provisions of the tariff, and that the Canadian National Railways should be instructed to make payment of the overcharges, statement of which is enclosed (schedule C), with interest from dates of presentation."

SCHEDULE A

SHIPMENTS as to which Correct Rate was assessed

Car Number and Initial	Date of Shipment
G.T.P. 302551.....	Aug. 31
G.T. 20049.....	Sept. 3
C.N. 63444.....	Sept. 5
G.T. 18729.....	Sept. 15
C.N. 428486.....	Sept. 17
G.T. 12094.....	Sept. 19
G.T. 14798.....	Sept. 21
C.G.R. 553628.....	Sept. 24

SCHEDULE B

PAID CLAIMS Covering Shipments from Greening, Que., to Cornwall, Ont., as to which charges were originally assessed on the basis of 28 cents per cwt. and reduced later to 16 cents

Car Number and Initials	Date shipment	Claim Number	Amount	Date Paid
			\$ cts.	
C.N.R. 49152.....	Sept. 28....	M-477	81 72	Nov. 8
G.T. 104489.....	Oct. 9....	M-481	89 64	Nov. 23
Q.M.& S. 4730.....	Oct. 10....	M-480	85 32	Nov. 21
C.G.R. 553263.....	Oct. 6....	M-478	85 68	Nov. 17
C.N. 37422.....	Oct. 27....	M-494	86 28	Dec. 6
C.N. 327563.....	Oct. 29....	M-494	84 72	Dec. 6
C.N. 68938.....	Oct. 24....	M-491	87 00	Nov. 19
C.N. 416688.....	Oct. 24....	M-485	83 64	Nov. 13
C.N. 324427.....	Oct. 22....	M-484	85 80	Nov. 24
C.N. 71574.....	Oct. 18....	M-491	84 00	Dec. 6

SCHEDULE C

Car Number and Initials	Date Shipment	Weight	Rate	Freight	Over-charge	Claim Number	Date of Claim
	1923	lb.	cts.	\$ cts.	\$ cts.		1923
G.T.P. 302629	10/ 4	54,700	28	181 16*			
Should be....		54,700	16	87 52			
					93 64	M-483	11/10
G.T. 19871.	10/ 6	73,300	28	205 24			
Should be....		73,300	16	117 28			
					87 96	M-479	11/1
G.T. 22342.	10/ 9	73,900	28	206 92			
Should be....		73,900	16	118 24			
					88 68	M-526	1924 3/ 4
G.T.P. 305061.	10/13	73,400	28	205 52			
Should be....		73,400	16	117 44			
					88 08	M-486	1923 10/13
G.T. 25009	10/16	73,500	28	205 80			
Should be...		73,500	16	117 60			
					88 20	M-487	11/15
C.N. 50758.	10/22	70,900	28	198 52			
Should be.....		70,900	16	113 44			
					85 08	M-490	11/17
C.N. 317509.	10/27	74,100	28	207 48			
Should be.....		74,100	16	118 56			
					88 92	M-493	11/20
G.T.R. 26422.	10/27	45,000	28	126 00			
Should be.....		45,000	16	72 00			
					54 00	M-493	11/20
G.T. 6186.	10/16	59,300	28	166 04			
Should be.....		59,300	16	94 88			
					71 16	M-488	11/16
Total.....					816 88		

*There is an error in extension in the amount of \$38.

On May 31 copy of the application and statement of facts therein referred to was served upon the Canadian National Railways. The railway company having not yet answered, it was written to on June 25 and advised that unless the Board was in receipt of an answer by July 1 it would proceed ex parte. No reply has yet been received from the railway company.

The Board is asked for a ruling as to the legally published rate on pulpwood, in carloads, from Greening, Que., to Cornwall, Ont., between August 31 and December 1, 1923. There was in effect during this period Canadian National Railways' tariff C.R.C. No. E-630; this tariff, as per title page, applied on "Pulpwood, carloads."

This tariff contains on page 3 thereof mileage rates on pulpwood from Westfort, Armstrong, Sarnia and Windsor, Ont., and stations east thereof to certain named points for manufacturing and reshipment via Canadian National Railways. This is a mileage scale and shipping points are not named.

On pages 9 to 21 of the tariff specific rates on pulpwood, in carloads, are published, and the specific rate from Greening, Que., to Cornwall, Ont., as shown on page 14, is 16 cents per 100 pounds. With respect to these specific commodity rates there is no reference mark or restriction which would provide for the application of said rates only when the pulpwood is for manufacturing and reshipment via Canadian National Railways. As published, these rates would apply on "Pulpwood, carloads," as per title page of tariff, and without any other qualification such as provided for on page 3.

By Supplement No. 13 to this tariff C.R.C. No. E-630, effective as to advances December 1, 1923, the railway company added reference mark (1) to the rates published on pages 9 to 21 of the tariff to Cornwall, Cornwall Junction, Georgetown, Merriton and Thorold, Ont., and Windsor Mills, Que.; and in the

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same supplement it also added reference mark (4) to Three Rivers, Que. The application of these reference marks, as provided for in said supplement, was as follows:—

(1) Applicable only on pulpwood for manufacturing and reshipment via Canadian National Railways.

(4) Applicable only on pulpwood for manufacturing and reshipment.

It will be observed, therefore, that whereas previously the rates applied to the stations named without qualification, effective with Supplement 13 the application of the rates to destinations with reference mark (1) was on pulpwood for manufacturing and reshipment via Canadian National Railways, while to stations with reference mark (4) the application was only on pulpwood for manufacturing and reshipment and not necessarily, as worded, for "reshipment via Canadian National Railways." The situation is, therefore, that with respect to the specific rates shown on pages 9 to 21 of the original tariff they applied on "pulpwood." By Supplement 13 the application of these specific rates was altered so that in the one case they applied on "pulpwood, for manufacturing and reshipment," and in the other case on "pulpwood, for manufacturing and reshipment via Canadian National Railways." In addition to the change in this supplement providing for two different applications of the rates, it may be further stated that the changes in question were prefixed with the symbol which indicates an advance in rates and the thirty days' notice required under section 331, subsection 3, of the Railway Act was given.

It appears the railway company have taken the position that these specific rates were intended to apply only on pulpwood for manufacture and reshipment via the Canadian National Railways. However, the tariff did not so read. A restricted application of the rates was only made effective in Supplement 13, as already referred to.

The Board has already in a number of cases made rulings regarding the construction to be placed upon provisions contained in railway tariffs to the effect that tariffs are to be construed with strictness and the language and not the intention of the framers is the controlling factor. See Board's Printed Judgments, Orders and Rulings, Vol. X, p. 64, and Vol. XI, p. 477.

On the record, therefore, the situation is that between the dates June 30 and December 1, 1923, the lawfully published rate on pulpwood, carloads, from Greening, Que., to Cornwall, Ont., was 16 cents per 100 pounds, and that said rate was not restricted to shipments "for manufacturing and reshipment via Canadian National Railways." A declaratory order to this effect should issue.

APPLICATION OF J. F. LUSK, BRECKENRIDGE, P.Q., *re* FARM CROSSING

Judgment of Chief Commissioner, July 25, 1924, concurred in by Assistant Chief Commissioner, Mr. Commissioners Boyce, Oliver and Lawrence

The applicant in this case, Mr. J. F. Lusk, of Breckenridge, in the province of Quebec, asks for an order requiring the Canadian Pacific Railway Company to restore his farm crossing at lot 7-c 5th range, township of Eardley, county of Wright, P.Q.

At the hearing, Mr. Lusk stated that he was 49 years of age, had lived near the land in question all his lifetime, but had only owned the property a short time, having purchased it from Mr. Breckenridge, the former owner.

He stated that when the bridge across the small stream at Breckenridge was constructed by the Pontiac Railway Company in 1884 they erected piers on both the east and west sides of the creek, and on the east side a space of 14 feet was left for a roadway under the track and east of the pier, which again

was walled up with timbers against which the gravel of the fill was placed, and claimed that a roadway had therefore been provided by the railway company, which of right belonged to the property.

Mr. Flintoit, representing the railway company, admitted that the road had been built ever since the railway was built, page 3467, and also admitted that there had been a road there before the railway was built.

A short time ago, Commissioner Lawrence and myself personally visited and inspected the location. We found this to be practically the same as described by Mr. Lusk and other witnesses. Without a doubt, when the road was first constructed, two piers were built of timber cribwork and probably partly filled with stone, as there is evidence on the ground showing this, faced up with timbers on the river sides thereof. On the west bank the earth work must have come up closely against the pier. On the east bank the foundations of the old pier are easily visible down next to the water, and also extending east some 15 or 20 feet. So many piles have been driven in place of the old pier that it is pretty hard to tell exactly, without excavation, where the eastern face thereof ceased. It is quite easy, however, to locate the easterly side of the roadway because the old timbers are there to-day, both the cross timbers which would form the face of the roadway and the longitudinal timbers holding the face timbers into the bank.

Some evidence was given that it was a public highway by a Mr. Armitage, who lives across the Ottawa river in the province of Ontario, and who claims that for years they crossed the river on the ice for the purpose of access to Breckenridge station, and always used this roadway. There was also evidence given that this roadway had been used by the public for the purpose of drawing sand from the Ottawa river. No evidence was given of public moneys ever having been expended thereon, and I do not think we have sufficient evidence to justify the Board in finding that a public highway ever existed thereon, but that it was more in the nature of a private road, owned by Mr. Breckenridge who was a very large and influential landowner and business man of the locality, used by him in connection with his affairs, and permitted by him to be used by the public.

At the time the railway was constructed, it obtained a deed of the right of way including the roadway in question, and there is no positive evidence, documentary or otherwise, of any reservation by Mr. Breckenridge, of the roadway excepting the facts as above stated, where the railway company during construction actually constructed for the owner of the land the roadway in question. Therefore, Mr. Breckenridge and those succeeding him in using the roadway, in my opinion, were in a far different position from the ordinary case where the owner of land on either side of the trestle passes between the bents thereof until such time as the railway company requires to fill the same. In this case, the railway company by positive act created and left open for the use of the landowner a roadway under its tracks where the road had previously existed.

About a year ago, the Canadian Pacific Railway Company fenced off the road in question claiming that sometime in the near future they intended rebuilding their bridge or the piers thereof and filling in the space heretofore occupied as a roadway. They claim that the applicant has a level crossing which gives him reasonable access to his land between the railway and the Ottawa river.

The Canadian Pacific Railway Company justified this action on the ground that they had bought and paid for the property when the railway was constructed 40 years ago, and relied upon the Guthrie case decided by the Supreme Court of Canada 1. Canadian Railway Cases, page 16. Mr. Aylen, counsel for the applicant, cited *McKenzie vs. G.T.R.* and *Dickie vs. G.T.R.*, Volume 7.

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Canadian Railway Cases, page 47, decided by the Court of Appeal of the Province of Ontario, in which the facts were practically the same as those in the present case. These cases were first decided by Chancellor Boyd, whose decision was sustained on appeal, the principal judgment of which was written by Moss, C.J., in which he made the following statement, on page 57:—

“There is sufficient in the circumstances and the proved facts to fully justify the conclusions of the learned trial judges that the bridges and under-pass were provided for and enjoyed by the plaintiffs’ predecessors in title as part of the agreement or arrangement under which the defendants’ predecessors in title acquired their right of way through the lands in question”.

While I realize this Board is bound by the decision of the Supreme Court of Canada in the Guthrie case, yet in my opinion, an entirely different set of facts exist in this case and I am inclined to agree with the decision of the Court of Appeal of Ontario, and do not think in so doing I am in any way inconsistent with the decision in the Guthrie case, because this decision is made upon an entirely different statement of facts.

I therefore think the Canadian Pacific Railway Company is bound by the Acts of its predecessors in title and should recognize the right of the present applicant to a roadway under the track where it has existed since 1884, and that the fences should be taken down and the roadway left open for the use of the applicant, the side fences to be connected up with the trestle so as to completely fence the remainder of the applicant’s land. An order should issue accordingly.

APPLICATION OF CANADIAN NATIONAL PARKS BRANCH, DEPARTMENT OF THE
INTERIOR, *in re* CROSSING, CANADIAN PACIFIC RAILWAY, AT CANMORE, ALTA.

*Judgment of Mr. Commissioner Boyce, August 16, 1924, concurred in by
Assistant Chief Commissioner, Mr. Commissioner Oliver dissenting.*

No order is necessary to authorize this crossing as it is covered by Order No. 24118 dated August 24, 1915. A question is, however, raised by the railway company as to the cost of construction and maintenance of the crossing, and a ruling is asked.

The railway is, undoubtedly, senior to the highway and was senior at the time Order No. 24118 was made. The seniority of the railway is undisputed. It was constructed before there were any surveys or roads in the neighbourhood. The original road, or trail (as it was when first constructed), did not follow the lines of any surveyed road allowance but ran diagonally through the station grounds northwest and southeast as shown on plan dated May 19, 1915, filed by the railway company, crossing the tracks of the railway west of Canmore station. This original crossing does not appear to have been authorized by the Board, or by its predecessor, the Railway Committee of the Privy Council. The railway company, by agreement, dated May 7, 1915, which is filed, entered into an arrangement with His Majesty the King, represented therein by the Honourable the Minister of the Interior, to close the original crossing and to substitute for it the present crossing, effecting thereby a road diversion and substituting a road crossing to the east of the station for the old crossing to the west thereof. Order No. 24118 authorized this crossing on the basis and according to the spirit of the agreement referred to, but neither the agreement nor the order made any reference to the cost of construction of the crossing, either old or new. The diversion and crossing were constructed by the railway company, and the crossing has subsequently been maintained by it. The Board is now asked to rule as to such cost.

As the road diversion was put in voluntarily in pursuance of the agreement, I do not think that any order should be made as to the cost of its construction at this late date. I question the jurisdiction of the Board to make such an order. But as to the crossing, before and after Order No. 24118, it is within the province of the Board to dispose of the question now raised, viz: that of the cost of construction and maintenance.

There being no dispute as to the fact of seniority of the railway as to the first—or unauthorized crossing—or as to that substituted for it by said order, I find nothing in the agreement referred to which in law, or by treaty, displaced or interfered with the seniority of the railway. It always was, and now is, senior to the highway, and its claims to seniority cannot be ignored—even after this lapse of time. Had the railway company been alive to its rights the agreement of 1915 referred to might have provided that the whole cost of construction and maintenance, diversion and crossing should have been borne by the Department of the Interior, which was, and is, junior, and its neglect to so provide results in its losing the cost of diversion which it might, by agreement, have provided for. Its voluntary assumption of the cost of building the diverted road should not, I think, be held as any waiver of its rights of seniority at the crossing, past or substituted, and I, therefore, would order that the cost of construction and maintenance of the substituted crossing, provided for by Order No. 24118, be borne by the Department of the Interior, and that the said order be amended accordingly.

COMMISSIONER OLIVER:

I find that by order of the Board, No. 24118, dated August 24, 1918, the Canadian Pacific Railway Company was authorized to construct this crossing in conformity with an agreement between the railway company and the Department of the Interior, dated May 7, 1915. The agreement related to certain exchanges of land for highway purposes. It was the result of an application by the Canadian Pacific Railway Company to the Board for authority,—

- (1) to construct a road through the Canmore station grounds;
- (2) to cross the main line of the railway, with the said road, east of Canmore station; and
- (3) to close that part of the statutory road allowance which crossed the railway tracks and station grounds, a short distance west of Canmore station.

The concluding paragraph of the order of the Board, of date August 24, 1915, is as follows:—

“That the said crossing be constructed in accordance with the standard regulations of the Board regarding highway crossings, as amended May 4, 1910.”

I respectfully submit that such an order authorizing any certain party to construct a highway crossing over a railway is in fact an order requiring the maintenance of the crossing by the same party.

It is of course quite in order, under changed conditions, for the burden of maintenance to be shifted by an amending order of the Board. I assume that in accordance with custom, the Board would expect to be informed of such changed conditions through an application for an amending order by one of the parties. I do not find any such application on file in this case, and I am therefore unable to agree with the conclusions of Mr. Commissioner Boyce, concurred in by the Assistant Chief Commissioner, that an amending order should now be made, relieving the railway company from the burden of cost which was occasioned by their own request, incurred to serve their own purposes and convenience, and from which burden they have not asked to be relieved.

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I respectfully submit that it is entirely unusual for the Board to amend its order under such circumstances, and without a public hearing at which the various interests affected might be represented.

I desire to further submit that the question of seniority, as between the railway and the special highway crossing east of Canmore station, does not and cannot arise in this instance, as the crossing is the result of a special agreement between the railway company and the Department of the Interior. In such case, the terms of the agreement and of the order following upon it must govern.

The specific terms of the agreement, to which the railway company is a party, discredit the suggestion that the railway has any right of seniority in respect to the portion of the highway that was closed by order of the Board. The first and second paragraphs of the recital of the agreement read as follows:—

“Whereas, the lands hereinafter described as public lands in the Rocky Mountains Park, set aside as a public road, and through which the Canadian Pacific Railway main line and station yards at Canmore, Alberta, cross;”

“And whereas, the company has applied to have this road closed and the road through their property, as surveyed by George McPhillips, Alberta Land Surveyor, and shown on the plan herewith, used instead, which road has been built by the company in lieu of the road closed.”

It will be observed that there is no admission of any priority or seniority of right on the part of the railway company, in respect of this portion of the statutory road allowance. The declaration is one of absolute ownership by the Crown, without limitation of any kind, although the railway was then in actual occupation of the road allowance, and therefore, provided such right existed, was in a position to establish and exercise the rights of seniority that it is stated they now assert. That declaration of absolute ownership by the Crown was executed under seal by the railway company, as well as by the Department of Interior.

It is also to be observed that in the part of the same order authorizing the special road diversion, the following sentence occurs;—

“(3) To close all that portion of the road allowance along the eastern boundary of section 32, township 21, range 10, west of the 5th meridian, which lies within the said station grounds except that portion of the said road allowance which lies within the boundaries of the said proposed road.”

That is to say,—The order of the Board which gives effect to the agreement specifically declares that the Crown retains its absolute ownership of the part of the statutory road allowance which is crossed by, and so becomes a part of, the special road therein authorized. The possibility of the establishment of even the most shadowy claim by the railway to seniority of right in respect of the statutory road allowance is carefully and fully guarded against in the terms of the agreement and order which permitted it to be closed.

In view of the terms of the agreement above mentioned, and also of the well understood provisions of the Dominion Lands Act, in reserving from private right in any and every form, the road allowances set apart by that Act exclusively for the public use as highways, whether before or after survey, I am unable to agree that the order of the Board No. 24118, dated August 24, 1915, should now be amended to place upon the Parks Branch of the Department of the Interior any part of the cost of constructing or maintaining the said highway crossing.

APPLICATION OF CANADIAN NATIONAL PARKS BRANCH, DEPARTMENT OF THE
INTERIOR, *in re* CROSSING CANADIAN PACIFIC RAILWAY, NEAR
CANMORE STATION, ALTA.

Judgment of Mr. Commissioner Boyce, August 16, 1924, concurred in by Assistant Chief Commissioner, Mr. Commissioner Oliver dissenting.

The Commissioner of Canadian National Parks, representing the Department of the Interior of Canada, makes application to the Board for approval of the road crossing over the railway one-half mile west of Canmore station, in Rocky Mountain Park, being the road allowance north of the north boundary of the northeast quarter of section 32, township 24, range 10, west 5th meridian. It is pointed out in support of the application, that although this crossing has been in existence for a number of years, no order of the Board is in existence authorizing the crossing and providing for the cost of its construction and maintenance. The crossing was constructed and has been maintained by the railway company, as it contends through inadvertence and inattention, and it now claims its right to assert its seniority over the highway with consequent claim to cost of construction and maintenance of the original crossing to the same extent as though an order of this Board had been made authorizing the crossing and providing for the cost of its construction and maintenance.

As the crossing was constructed and up to now was maintained without authority from this Board, and the Board is now called upon to make such an order, the contention of the railway company does not seem to be untenable.

The railway was constructed before the road was opened, and before any survey was made, plans of which laid down the concession road allowance opened long subsequent to the construction of the railway. When the railway was constructed through this locality there were in fact no surveys of Government lands at this point. This is an historical fact and is not in issue. Some suggestion is, however, made that by the provisions of law under the Dominion Lands Act (1883) section 4, priority was secured over the railway to road allowance not in existence in fact, and not surveyed at the time the railway was actually constructed. The section referred to reads as follows:—

“4. The Dominion lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, with such road allowances between sections, and of such width as the Governor in Council may fix.”

The plain reading of the section is that in future surveys to be made, provision for road allowances between sections might be made by the Governor in Council. The road now in question not being in existence at the time the railway was constructed, and there being no surveys of Government lands upon which the Governor in Council could have made provision for road allowances the section referred to does not seem to have any application as affecting the priority acquired by the railway by its surveys and actual construction. To construe this section as giving priority to a road, not set apart and in territory unsurveyed over a railway actually constructed would mean that every road in that vast territory would have priority over the railway, although it had its origin by survey and construction long after the railway was built, which is a wholly inconceivable situation to contemplate. Neither the surveys nor the reservation for road allowances by the Governor in Council could, I think, have any retroactive application.

By Order No. 29681, dated May 27, 1920, the railway company received authority to carry a passing track extension across the highway. No order

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was made as to cost of construction or maintenance of said crossing. The highway was then in existence, but the plans filed in support of the application shew that the passing track was merely an extension, on the railway's right of way, undoubtedly senior to the highway, of a track already in existence, and constituted such a reasonable user of the railway company's right of way as might be contemplated when the railway was built, and to which second track it would preserve its seniority.

G.T.R. Co. v. United Counties Ry. Co. (St. Hyacinthe Crossing Case) 7 C.R.C. pp. 294-297.

City of Fort William v. Copp Bros. 11 C.R.C. 149 and cases there referred to.

I think that the order above referred to (No. 29681) with the plans filed and approved on that application by that order, sufficiently authorizes, or ratifies, the previous crossing, but as an order is now asked, there can be no harm in issuing same now authorizing the original crossing, but as the railway is, and was, undoubtedly senior to the highway, the cost of construction and maintenance both of the original crossing now in question, and of the second crossing, authorized under Order No. 29681, should be borne by the Department of the Interior and the order should so provide.

COMMISSIONER OLIVER:

As I understand this case, the point at issue is whether the Canadian Pacific Railway Company or the Parks Branch of the Department of Interior of the Dominion Government shall be at the cost of constructing and maintaining the crossing of the statutory highway over the railway. If the right of the railway is senior, then the Parks Branch must maintain the crossing. If the right of the highway is senior, then the railway company must meet the cost of maintaining the crossing.

The railway claims seniority because its main line track was constructed at the point in question in 1884, and the road allowance was not defined by survey until 1888. On behalf of the Parks Branch it is claimed that the reservation of all road allowances in the Canadian Prairie west by the terms of the Dominion Lands Act of 1883 regarding surveys, gives priority of right to the highway.

The Act of 1883, including its provisions regarding highway reservations, applied to all parts of Manitoba and the Northwest Territories, and therefore included in its scope the whole of what is now Alberta. The only exception to its provisions was land to which the Indian title had not been extinguished. The purpose of the survey provisions of the Act was to establish uniformity of conditions as to the holding of land throughout the prairie west. Reservation was made of sections numbered 8 and 26 in each township, as lands of the Hudson's Bay Company, and of sections 11 and 29 as School lands. These reservations applied before as well as after survey. This is, occupation or improvement of such lands before survey gave no right whatever to them; not even the right of priority of claim, if and when they were being disposed of after survey. The fundamental purpose of the Act in these connections was to make effective reservations before survey. The same purpose was in view in regard to highways. It was intended to, and as a matter of fact, did in actual practice, reserve all highways as defined by the survey system of the Act, before as well as after survey, from private right or claim of any kind.

It is admitted on behalf of the railway, in the case of highways surveyed before a railway is constructed across them, that the highway is senior. I hold the view that the specific reservation of the highway by the Dominion Lands Act establishes its right of seniority against the railway, without actual survey.

as well as with such survey. The date of reservation is the essential point. The survey does not make the reservation, it merely defines the area already reserved.

I am unable to find any statute that gives to a railway company a senior right on unsurveyed highways, more than on surveyed highways within the area subject to the survey system provided by the Dominion Lands Act of 1883.

I cannot agree that a reservation that was made and has been fully recognized against every other claim of prior right, should not also hold good against a claim of prior right or seniority made by a railway company.

As to the question of seniority in regard to the passing track which crosses the highway on the north side of the northeast quarter of section 32, township 24, range 10, west 5; it is admitted that the highway is senior, but the view is expressed by Mr. Commissioner Boyce and the Assistant Chief Commissioner that as the passing track is on the company's right of way, it shares in the seniority that they desire to accord the main line track.

I regret that I cannot see force in this argument; the main track occupies a place on the railway right of way, as does the passing track. It is admitted on the part of the railway that if the highway had been surveyed before the main track was constructed, the highway would be senior. The highway was surveyed before the passing track was constructed therefore the highway is senior to the passing track; and according to accepted rule, the railway being junior, must pay the cost of maintenance of the crossing, so far as the passing track is concerned.

If because of alleged seniority of the railway, the Parks Branch must pay the cost of maintenance of the crossing over the main line of the railway, the same reasoning would compel the railway to pay the cost of maintenance over the passing track. In such case, each party would pay half the cost of the maintenance of the crossing, instead of the Parks Branch being compelled to pay the whole. The foregoing argument is offered without prejudice to the previous contention that the railway being junior to the highway, both as to its main and passing tracks, should pay the full cost of maintenance.

For the reasons herein given, I find myself unable to agree with the conclusions of Mr. Commissioner Boyce, concurred in by the Assistant Chief Commissioner.

1st. That the through line of the railway is senior at the above described crossing; or

2nd. That seniority of the main line, if admitted, because of prior construction, should give like seniority to the passing track, of subsequent construction.

APPLICATION OF DEPARTMENT OF PUBLIC WORKS, B.C., *in re* LEVEL HIGHWAY CROSSING, ESQUIMALT AND NANAIMO RAILWAY COMPANY

Judgment of Mr. Commissioner Boyce, August 22, 1924, concurred in by Assistant Chief Commissioner and Mr. Commissioner Oliver

The application for this highway crossing was not seriously opposed by the railway company at the hearing, and it was then understood that the order was to be made granting the application, but reserving the question of cost of construction and maintenance thereof, the dispute being confined at the hearing to that question.

The onus of proof that what is called the Gainsberg road was, prior to the construction of the railway, a public highway, lies upon the applicant, the Department of Public Works of British Columbia. The only direct evidence in support of the contention of the applicant department that this alleged highway was senior to the railway is contained in the statutory declaration of one

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Ellen McKay, which was filed at the hearing, and which merely states the fact that in the year 1899, one Andrew McKay worked on this road and received pay for such work from the Provincial Government, the pay received being in the neighbourhood of \$150. By a letter from one, J. G. Curren, road foreman, dated June 24, 1924, enclosing the above declaration to the District Engineer of the Public Works Department of British Columbia, and which letter was filed at the hearing, it appears that the affiant, Ellen McKay, was the widow of the late Andrew McKay, who owned and operated lot No. 27 adjoining this proposed crossing, and that it was for them that the Gainsberg road was put in by the Government. Mr. Curren further states that he is unable to find anyone who worked on the actual construction of the road. The letter accompanying the declaration, and which letter must receive as much respect as the declaration, because it is filed by the applicant, considerably limits the value of Mrs. McKay's statement. For all that would appear from the statements of Mrs. McKay and Mr. Curren, a small amount of public money was spent in the neighbourhood of lot No. 27 for road purposes near the proposed crossing for the benefit apparently of the owners or occupiers of lot 27, who were farmers.

It does not appear from the evidence submitted that what is called the Gainsberg road was ever in reality surveyed or dedicated by law as a highway. The application being by the Department of Public Works having jurisdiction over roads in British Columbia, it would be expected that definite and precise evidence by plan and public documents would be available to establish the fact that this so-called road was a highway, and had the status of a highway at the time the railway was built.

Mr. Philip, the District Engineer of the Public Works Department, made the following statement with reference to the condition of this so-called road (page 4718):—

“Now in the early days this was a section called Deep Bay and the settlers did not follow any defined route at all; they cut the trees down and wandered across on any line. When the railway came along and obliterated that highway, we naturally had to relocate to Deep Bay and that is possibly the point Mr. McMullen is making, that possibly a diversion was made; but there is no evidence to prove that there was any diversion made as far as I know”.

I regard this statement as clearly supporting what is alleged on behalf of the railway company and shown upon the sketch or plan, exhibit “A” to the affidavit of Thomas Brooks Milne, filed since the hearing, that what is called the Gainsberg road was merely a trail, impassable as a highway, and up to the time and after the railway was built not being passable for vehicles.

As against the very indefinite and unsatisfying evidence on behalf of the applicant as to the status of this road as a highway, the railway company has filed, with the leave of the Board, the statements or declarations of R. T. Milne, Thos. B. Milne, R. A. Bainbridge, Division Engineer of the Railway Company, and Joel Willard and Ed. Ginsberg. These statements have all been submitted to the applicant department, which has had every opportunity to reply to the same. These statements and declarations appear to establish the following facts:—

1. That what is called the Gainsberg road was apparently a trail or private road from the Island highway to the waterfront, and that at least up to the time of the construction of the railway, it was never used as and was not passable as a highway.

2. That the irregular and meandering nature of the so-called trail, as shown on the plan, indicated that it was not laid out on any plan as a highway.

3. That no work was done upon this trail to fit it for highway traffic, and that what money was expended was in patches to serve the convenience of specific farmers served by the trail.

4. That after the completion of the railway in 1914, no grading was done at the proposed crossing, nor were crossing planks put down between the rails, and no vehicles used the railway crossing until 1923, when a private farm crossing was graded for the Esary Timber Company on request of Mr. Ginsberg, and covered by a farm crossing agreement.

5. The alleged road, at least until the last two years, never had the status of a highway, nor was it used as such.

I cannot come to any other conclusion than that which the preponderance of evidence, as shortly outlined, leads me to, namely, that what is called the Gainsberg road was not in fact and in law a highway prior to the construction of the railway at the point of the proposed crossing; that the road was not used as a highway and never acquired seniority over the railway by virtue of it being a travelled trail in certain portions to suit particular residents. The expenditure of public money upon the trail is not, in the circumstances as I view them, and as I would find them, a factor in making up the wanting elements to constitute this road a highway in law or in fact. There is only one definite instance shown of an expenditure of money, and that is the expenditure as I have stated as having been made at a particular place to serve particular residents.

The burden of proof of the issue as to the existence of this road as a highway, and also as to its seniority over the railway, being upon the applicant department, I am unable to find that the Department has discharged that onus and would find facts as above stated in negation of the claim upon which this application as to priority is based.

The order should therefore go for the establishment of a crossing according to standard, the cost of construction and maintenance to be borne by the applicants.

APPLICATION OF D. D. CAMPBELL, WINNIPEG, MAN., *in re* INTERPRETATION OF SECTION 8, BULK GRAIN BILL OF LADING

Judgment of Mr. Commissioner Boyce, October 9, 1924, concurred in by Assistant Chief Commissioner. See also Judgment of Mr. Commissioner Oliver, September 19, 1924.

I have considered what is involved in this complaint with what was submitted at the hearing in Winnipeg. The interpretation of section 8 of the Bulk Grain Bill of Lading is involved. I am unable to see any difficulty in the matter. The interpretation of the section is plain. The proviso in the section requiring forty-eight hours' notice of the intention of the company to divert grain into another elevator than that to which it is consigned, is subject to plain exception in cases of grain consigned to Port Arthur, Fort William, and Westfort, Ont. If then, effect is to be given to these words, and I think effect must be given to them, the forty-eight hours allowed to the party entitled to receive the grain after notice has been sent or given within which to remove it, does not apply to consignments to those three excepted terminals. The shipment in question was consigned to Fort William, one of the excepted terminals, to which the proviso was not to apply. That a particular elevator at that point was designated does not, I think, take it out of the exception, which manifestly includes all grain consignments to Fort William. Mr. Lannigan's statement at the hearing and the very cogent explanation he made for this exception to the proviso seem to clarify anything that was obscure in the section.

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The Bulk Grain Bill of Lading filed at the hearing shows that the consignment in question was received at Webb from W. R. Johnston as shipper, September 24, 1923, by the Canadian Pacific Railway Company consigned to the order of the Inter-Ocean Grain Company at Fort William. Notification was to be made to the Inter-Ocean Grain Company at Winnipeg, and the consignment was in care of the Mutual Elevator at Fort William. There is a notation on the copy filed, reading as follows: "To be unloaded at Canadian Government Elevator," signed, "W. R. Johnston, shipper." On this copy there is no endorsement, but on the copy enclosed by Mr. Flintoft in his letter of April 22, 1924, there is an endorsement reading as follows: "Deliver to order of Canadian Government Elevator," signed, "Inter-Ocean Grain Company, Limited, per R. Huslable." The original bill of lading was not produced, but from these bills of lading filed and from what is stated by counsel for the applicants, it appears that the consignment went forward to Fort William, and there became subject to, and was dealt with, under the provisions of section 8 of the conditions, and was unloaded at the Canadian Government elevator, apparently with the concurrence in writing of both shipper and consignee, whether before or after it has been determined that the car should be set aside for survey. The fact is that the bills of lading did bear that notation. Whether they bore them or not, in my opinion, the provisions of section 8 would justify the railway company, in the circumstances, in dealing with the consignment as it did deal with it.

The claimant, at the trial, filed a formal claim before this Board for \$733.37 for wrongful delivery of his car of grain by the company. This Board, as was pointed out to the counsel for the applicant at the hearing, had no jurisdiction to entertain or adjudicate upon the pecuniary claim involved, and this was conceded by counsel for the applicant. Some reference was made however, to the fact that there was, or would be, litigation in the courts. At the hearing, I expressed some hesitation as to the propriety of the Board giving an interpretation of the conditions of the bill of lading in view of the probability of litigation upon a pecuniary claim in provincial courts, and thereby, to some extent, embarrassing the provincial court in dealing with law as well as with fact. I am still of the same opinion.

Subject to the above, my opinion is, that the consignment was dealt with, under section 8 of the conditions of the bulk bill of lading, in a manner in which, under the circumstances disclosed, the carriers might properly deal with the same.

ASSISTANT CHIEF COMMISSIONER:

What is involved is the interpretation of the proviso in section 8 of the bulk grain bill of lading. The provisions of the various forms of bill of lading, under which traffic moves, were worked out between representatives of the shippers, the Bankers Association and the railways. The only particular in which the Board was asked to rule in settling the final form was in connection with the time limitation attaching to the filing of claims. The provision now involved is, therefore, one which was worked out in agreement by parties fully cognizant of conditions in the trade. The words appear to me to clearly show the intention. I agree in the reasons for judgment of Commissioner Boyce.

COMMISSIONER OLIVER:

Section 8 of the Bulk Grain Bill of Lading, of which an interpretation is desired, reads as follows;—

"Grain in bulk consigned to a point where the carrier has an elevator or warehouse, or where there is a public or licensed elevator or warehouse, may be delivered and placed with other grain of the same kind and grade, without respect to the ownership, and for the purpose of

this, Port Arthur, Fort William and Westfort, Ont., shall be deemed one point, provided that this shall not apply (except in cases of grain consigned to Port Arthur, Fort William and Westfort, Ont.), unless the grain is not removed by the party entitled to receive it within forty-eight hours (exclusive of legal holidays), after written notice has been sent or given. Bulk grain so stored shall be held at the risk of the owner, and without liability on the part of the carrier.

"If a Dominion Government grain inspector shall decide that any part of the grain herein described is not dry or is otherwise unsuitable for warehousing, then what is so decided to be wet or unsuitable may, in the discretion of the carrier, at the owner's risk and expense, both as to transhipment and transfer or otherwise, be deposited in any available public or licensed elevator or warehouse equipped with special machinery for the treatment of unsound grain, to be there stored, elevated or otherwise treated, either separately or in common with other grain of similar class and on arrival there, ready for delivery, the carrier's liability in respect to it shall be ended."

The application for interpretation arises out of the consignment of a car of wheat from Webb, Saskatchewan, over the Canadian Pacific Railway, to the order of the Inter-Ocean Grain Company, Limited, in care of the Mutual Elevator, Fort William, Ont. The applicant states: That the car contained 2,044 bushels of wheat, of No. 1 Northern grade, and 85 bushels of No. 1 Northern with which was mixed 5 per cent of rye.

That the Grain Company refused to accept delivery of the car, because of the mixed condition of a part of the carload. The inspection service at Winnipeg had not given it a grade. The car was held at Fort William for resurvey by the Inspection Department from October 2. The contents were graded "Wheat and rye." The car was released by the Inspection Department on October 14.

That on October 16, without notice to the consignor or consignee and without instructions from either of them, the car was unloaded by the railway company at the Canadian Government elevator. The content was placed in a bin with other mixed grain and its identity lost.

That as a result of the loss of identity, the consignor only received the price of mixed grain for the whole carload. If the identity of the grain had been preserved, the 85 bushels of mixed grain could have been deducted and the price of No. 1 Northern secured for the remaining 2,044 bushels. The difference to the shipper in the amount received for his car of wheat amounted to over \$700.

The applicant, as agent of the consignor, claimed that under the terms of section 8 above quoted, he was entitled to forty-eight hours' notice by the railway company of its inability to deliver as ordered (because of the refusal of the consignee to accept), before unloading elsewhere. Had he received such notice, he could have taken measures that would have protected the interests of the owner of the grain. Not having received notice, he was unable to do so.

In his statement of the case on behalf of the railway, the solicitor of the railway company says:—

"It is submitted that the provisions of section 8 of the Bulk Grain Bill of Lading are perfectly clear; to the effect that where grain in bulk is consigned to Port Arthur, Fort William or Westfort, it may be placed in an elevator belonging to the company or a public or licensed elevator with other grain of the same kind and grade without respect to ownership. The requirement as to forty-eight hours' notice does not apply to these points at all."

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Where one of the parties to the dispute reads a certain condition as guaranteeing him forty-eight hours' notice before grain can be diverted, thereby giving him the opportunity to protect the interests in which he is concerned, while the other party reads it as not providing for any notice whatever, either before or after the diversion of the grain, it would seem to be established that section 8 of the conditions governing the Bulk Grain Bill of Lading, is not as clear or as definite in its terms as it should be. As these conditions are only effective subject to the sanction of this Board, it would seem that the application to the Board for an interpretation is entirely in order and calls for a definite ruling in reply.

If the interpretation given by the solicitor for the railway company is accepted, the result is very far reaching, no matter who the grain may be consigned to, the railway may deliver it to whoever it pleases, at either of the three points at the lakehead, at its convenience and without notice of any kind, either before or after such delivery to any person or interest. If that is the actual meaning of the section, it would seem that a revision of its terms, to preserve in some measure the rights of owners in their property, would be in order.

The necessity for special conditions governing the transport and delivery of grain in bulk arises from the fact that when a carload or any other specific quantity of grain in bulk, goes into storage under the usual conditions, it loses its identity by being mixed inextricably with other grain. Once the grain has been delivered into storage, the right of ownership in that specific volume of grain is lost, and in its place the owner accepts a right of ownership of an equal volume of grain of the same grade, as defined by Government inspection.

It is a fundamental principle of this system of handling grain, that identity of grade must be established by inspection before identity of the grain itself is allowed to be lost by its removal from the car in which it was shipped to the elevator or place of storage. The provisions of section 8 as to transfer from car to elevator only apply after the grain has been inspected. The words are:—

“May be delivered and placed with other grain of the same kind and grade without respect to the ownership”;

Obviously inspection must be made before the “kind and grade” can be decided for purposes of storage. Up to the time of final inspection, for railway freight purposes, bulk grain differs in no respect from any other ordinary commodity, and when it is refused by the consignee before an inspection certificate that it is fit for storage has been granted, it is and can only be subject to the rules ordinarily governing the shipment of any other commodity.

During the fourteen days in which the car in question stood at Fort William awaiting inspection it was subject to the conditions governing ordinary commodities in carloads, which have been refused by the consignee, and had not yet come within the provisions of section 8 of the conditions governing bulk grain bills of lading. That being the case, I beg to submit that the contention of the railway solicitor that under section 8 above mentioned, the railway was relieved from giving notice to the shipper of the refusal of the consignee to accept the grain for storage is not valid, and has no warrant in the clause of section 8 quoted by him.

I beg to further submit that the railway solicitor's interpretation of section 8 would not apply in any case in which a car of bulk grain was refused by the consignee before inspection. Also that equally it would not apply in case a consignee refused to accept for ordinary storage a car that had been inspected as fit for storage, as might be the case if there was no room in that particular

elevator for storage of the kind or grade of grain which the car contained. If the consignee refuses to accept delivery the car must remain in the hands of the railway as an ordinary commodity, until the shipper directs it elsewhere. To do this, he must be given notice in order to properly protect his interest, in accordance with established custom.

While section 8 provides that at the lake terminals bulk grain may be delivered according to identity of goods, without special order of the shipper, it also provides that at all other points there must be forty-eight hours' written notice before delivery can be made that does not preserve the identity of the grain. This provision protects the right of the shipper in the identity of his grain at all points where transportation conditions do not demand rush delivery. At the lake terminals, only, the shipper must accept delivery into storage according to grade instead of insisting on separate storage of the actual grain; but there is no suggestion that the order for delivery to the particular consignee can be ignored without instruction from the shipper.

It will be noted that in the second part of section 8, in which grain not in condition for storage as to grade is dealt with, and by the terms of which, under certain well defined conditions, grain may, on the responsibility of the carrier, be diverted from the elevator to which it had been consigned, to another without notice to the shipper, the following words are used:—

“May, in the discretion of the carrier . . . be deposited in any available public or licensed elevator equipped with special machinery for treatment,” etc.

That is to say, when it is intended to allow the diversion of grain not in condition for bulk storage from the elevator to which it was consigned to another, that intention is clearly expressed and the special reasons that make such action necessarily are clearly defined. Had there been any intention of allowing grain in condition for bulk storage to be delivered to an elevator to which it had not been consigned, it can only be assumed that that intention would have been as clearly expressed as in the case of grain unfit for storage, and the reasons as clearly given. As the reasons which make necessary the provision in regard to grain not fit for bulk storage do not exist in the case of grain inspected fit for bulk storage, no reason could be given for allowing diversion at will of such grain by the railways. If there had been any intention of allowing such diversion, it would have been definitely expressed; not having been expressed it cannot be presumed to exist.

I would further respectfully submit that if it has been the practice of the railways to divert grain at will without notice, in accordance with the interpretation given the first part of section 8 by the railway's solicitor, it would be well that the section should be so amended as to leave no question that that is not a proper interpretation.

The latter part of section 8 specifically permits the railway to divert, without notice, grain “unsuitable for warehousing,” from an elevator to which it has been consigned to a hospital elevator for treatment, presumably such treatment as will make it suitable for warehousing. While the provision is chiefly intended to apply to wet grain, it specifically included grain declared “otherwise unsuitable for warehousing,” by a Dominion Government grain inspector. The Inter-Ocean Grain Company refused to accept the car of grain in question until it had been inspected, it was found on inspection to be mixed wheat and rye, and therefore unsuitable for warehousing in the Mutual elevator. It would seem that the latter part of section 8 clearly provides that in such case the car should have been delivered to a hospital elevator for such treatment as would have fitted it for ordinary storage. Notice to the consignor is not required, but

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the burden of ordering the proper disposition of the grain is distinctly laid upon the railway company, as a condition of being relieved of responsibility in regard to the delivery of the car as ordered. The loss suffered by the consignor was not because of any lack of definiteness in the terms of section 8, but because the plain directions of section 8 were not followed by the railway company in their delivery of the grain.

In re COMPLAINTS AGAINST CROWSNEST PASS RATES, GENERAL ORDER NO. 408

Judgment of Chief Commissioner, December 6, 1924, concurred in by Assistant Chief Commissioner and Mr. Commissioner Boyce.

Notice of intention to apply for leave to appeal to the Supreme Court of Canada from the judgment of the Board of Railway Commissioners in this matter, on questions of law or of jurisdiction, or of both law and jurisdiction, was given on behalf of the provinces of Alberta, Saskatchewan and Manitoba, and at the same time notice was also given that, at the time of such hearing, a further application would be made to the Board, under section 52 of the Railway Act, for an order extending the time within which to appeal from the order of the Board.

At the hearing, the time within which to obtain such leave was extended until the tenth day of December, 1924; and pursuant to the application for leave to appeal to the Supreme Court of Canada, questions both of law and jurisdiction were submitted and supported by argument of counsel representing the different interests involved. Such questions so submitted have had the careful consideration of the Board.

It is the opinion of the Board that the issues involved should be submitted for determination by the Supreme Court, and the questions proposed by counsel have been examined and made use of, with the object of covering all points in issue between the parties, as far as the same are involved in the Board's decision in this matter.

In the opinion of the Board the subjoined questions should be submitted for the consideration of the Supreme Court as questions of law and jurisdiction namely:—

1. Whether, as a matter of law, the Board is empowered, under the jurisdiction conferred upon it by the Railway Act, or otherwise, to authorize railway rates upon the railway of the Canadian Pacific Railway Company in excess of the maximum rates referred to in the Crowsnest Pass Act, being chapter 5, 60-61 Victoria, Statutes of Canada, and in the agreement therein referred to, upon the commodities therein mentioned.

2. If the court shall be of opinion that the Crowsnest Pass Act or agreement is binding upon the Board of Railway Commissioners for Canada, then, according to the construction of the Crowsnest Pass Act, section 1, clause (d) and the agreement made thereunder:—

(a) Are the rates therein provided applicable to traffic westbound from Fort William and from all points east of Fort William, now on the Canadian Pacific Railway Company's railway; or, are such rates confined to west-bound traffic originating at Fort William and at such points east of Fort William as were at the date of the passing of the Act and (or), the making of the agreement, on the company's line of railway?

(b) Are such rates applicable to traffic originating at points east of Fort William which were, at the date of the passing of the Act, and (or), of the making of the agreement, on any line of railway owned or leased by or operated on account of the Canadian Pacific Railway Company?

- (c) Are the rates therein provided applicable to traffic destined to points west of Fort William, which are now on the Canadian Pacific Railway Company's railway, or on any line of railway owned or leased by or operated on account of the Canadian Pacific Railway Company? or
- (d) Are such rates confined to traffic destined to points west of Fort William which were, at the date of the passing of the Act, or the making of the agreement, on the Canadian Pacific Railway Company's railway, or on any line of railway owned or leased by or operated on account of the Canadian Pacific Railway Company?

3. Whether, as a matter of law, the Board is empowered, under the jurisdiction conferred upon it by the Railway Act, or otherwise, to authorize rates upon the Canadian Pacific Railway on grain and flour, from all points on the main line, branches or connections of the company west of Fort William, to Fort William and Port Arthur, and all points east, beyond the maximum rates specified in the Crowsnest Pass Act and agreement, and referred to in chapter 41, Statutes of Canada (1922).

APPLICATION OF GILLIES BROS. LTD., BRAESIDE, *re* INTERSWITCHING FACILITIES

Judgment of Mr. Commissioner Boyce, December 31, 1924, concurred in by Assistant Chief Commissioner

Gillies Brothers, the applicants, are large lumber manufacturers at Braeside, Ont., and their industry is, and for many years has been, served by spur connection with the tracks of the Canadian Pacific Railway Company, at Braeside, which place is located on that company's line three miles more or less west of Arnprior. The eastern end of the applicants' lumber yard is, it is said, 5,800 feet from the diamond at Arnprior where the Canadian Pacific is crossed by the Canadian National Railway. The applicants base their application upon the fact that, having no access to the Canadian National lines is a great drawback to them, in the matter of rates, in reaching non-competitive points on the Canadian National Railway, owing to their being subject to the combination of local rates from the furthest junction point to destination. This difference, they allege, often amounts to from six to eight cents per hundred pounds, whereas if they had interswitching, at Arnprior, they would, they say, only be called upon to pay one-half of the switching charge, which would be a minimum of \$2.50, as against the local rate. Other disadvantages to their business by the absence of, and advantages to their business which would result from interchange facilities with the Canadian National, are pointed out in the application and were emphasized at the hearing.

The application is made by the Gillies firm alone, and, apparently, for the benefit and convenience of their business, and to cheapen and facilitate the cost of it. They did not apply in the interests or on behalf of the public, and although the Mayor of Arnprior appeared at the hearing and stated that he had been authorized by his council to represent to the Board that in the opinion of the council the interchange would be in the public interest from many standpoints, he also admitted that there had been no great representations made to the council "except the simple question of Mr. Gillies asking the council if they approved, or opposed the proposal". The interests of the shipping public were not stressed in support of the application and it was not made apparent that there was any public demand for the facility applied for by any other industry outside of that of the applicant. The Dochart Brick Tile and Terra Cotta Works, which had supported a previous application for interchange, presently to be referred to, filed a consent to the transfer of their application to the site now proposed, but this firm was not represented at the hearing and no traffic figures were filed by them in support of this application.

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The same applicants, under date November 10, 1913, applied for an interchange order, at Arnprior, and, after a hearing, the Board, by its judgment, dated November 25, 1914, decided that the order asked for should be granted upon the terms and at the site and upon the terms therein referred to, and pursuant thereto Order No. 23250 of this Board issued February 1, 1915, and by subsequent Order No. 24415, dated November 8, 1915, the plan showing the proposed interchange tracks so authorized was approved upon the terms in said last mentioned order set forth.

Under date, November 12, 1915, the applicants wrote to the Board, acknowledging receipt of the last-mentioned order and expressing satisfaction with the disposition made by the Board of their application. Order No. 24415 was passed in consequence of the parties being unable to agree to the plans under Order No. 23250, and a consequent reference to and settlement by the Chief Engineer of the Board as to the location, whose report, dated April 23, 1915, is on file.

Between the date of the last of the above-mentioned orders and the date of the present application nothing was done to construct the interchange thereby authorized. It never was constructed; the reason offered on the present application being that it involved considerable capital expenditure for purchase of land, installation of tracks, etc. The present application asked for establishment of interchange in the lumber yard of Messrs. McLachlan Bros. Limited, lumber manufacturers at Arnprior, who consented to this being done.

For nine years, therefore, there was no use made of the interchange granted by the Board, in 1915, and it was admitted by the applicants at the hearing that there is no greater demand for lumber now than in 1913, the demand being about the same, and that the prospects for business in lumber now are not better than they were a few years ago, and at the present time are not bright.

The proposal now before the Board is to allow a public interchange at a point $2\frac{1}{4}$ or $2\frac{1}{2}$ miles away from the point settled by the Board's orders of 1915, and that such interchange be installed and maintained as a public interchange upon the private spur track, or siding, of McLachlan Bros. at Arnprior, which spur is subject to a lease between McLachlan Bros. and the Canadian Pacific Railway Company, in customary form, which lease contains, *inter alia*, the following clause:—

“(8) That the rights and privileges of the party of the second part under this agreement shall not be transferred or sublet, either in whole or in part, except with written consent of the railway company; provided that the railway company shall not withhold its consent to such transfer without good and sufficient reason and the party of the second part shall have the right should the railway company withhold its consent to such transfer to appeal to the Board of Railway Commissioners for Canada.”

The Canadian Pacific Railway Company, through its counsel, Mr. Wood, strongly objected to the use of this siding for the purposes of a public interchange upon several grounds, some of them pertinent and substantial, the most substantial and all embracing being that the company refused to consent to the siding being used for any such purpose. The company objected, *inter alia*, because:—

- (a) A private siding was not part of the railway and not subject to the provisions of section 253 of the Railway Act.
- (b) That such a transfer would be inconvenient, unsafe, and would entail unreasonable expense and difficulty of operation upon the Canadian Pacific Railway Company.

- (c) That the construction of the siding is not fitted for use as an interchange track, was not intended for any such purpose, and the tenure of the land on which it is located would be a bar to the Board in ordering its use as a public interchange track; and
- (d) That there was no public interest involved and the advantage to be derived from the interchange would be insufficient.

The objections, as to inconvenience, expense, and insecurity of operation were supported in the evidence of Mr. S. W. Crabbe, Divisional Superintendent of the railway, who also pointed out that the proposed interchange would be 4.83 miles from the track connection at Braeside (that is, beyond the inter-switching area) and there is no connecting point nearer than that at which the railway company could put an engine in to the interchange.

Mr. Fraser, K.C., for the Canadian National Railway, at the first hearing, and Mr. Chisholm, K.C., at the latter hearing, supported the application and offered to contribute to the cost of the facility.

When the matter was first spoken to, November 4 last, it was pointed out to counsel that the consent of the McLachlin Bros. Limited, to the use of the siding for an interchange, only extended to its use by the applicants, and the further hearing of the application was adjourned until 2nd instant to enable applicants to decide as to what course they would take as to this qualified consent.

Under date November 8, 1924, McLachlin Bros., Limited, filed their consent to the proposed interchange being used "by any traffic." The Canadian Pacific Railway Company, however, has contractual rights under the agreement, and it insists for the cogent reasons cited, upon its refusal to consent under the clause of the agreement I have cited.

Between the hearing of November 4 and December 2 last, the question of title was drawn to the attention of the applicants by the Board, and their attention was drawn to the ruling at Hamilton, Ont., of the late Chief Commissioner, in the Ingersoll Interswitching Case (October 29, 1919,) that until either of the railways concerned owned the land on which it was proposed to establish the public interchange, the Board was without jurisdiction to make an order against the railways. Specific reference was made to this ruling and the evidence, and it was suggested that the applicants should take legal advice thereon before coming to a hearing on December 2. The applicants, however, at the last mentioned hearing, did not argue upon this question to show any reason why the Ingersoll ruling should not be applicable to this state of facts, and left this important question just where it was left at the previous hearing in November. Neither did the applicants argue as to the effect of the Canadian Pacific's refusal to give its consent, under section 8, of the McLachlin spur track agreement.

The private spur upon which the interchange is suggested, should not, I think, in the circumstances, be subject to an order for a public interchange track. The decision of the Board in *Blackwoods v. C.N.R.* 12 C.R.C. 45; 44 S.C.R. 92; *Kammerer v. C.P.R.*, 21 C.R.C. 74; *Beverly Coal Mines and Humberstone Coal Co. v. Grand Trunk Pacific Ry.*, 23 C.R.C. 64, and like cases, referred to generally by counsel for the Canadian Pacific Railway, are, I think, binding upon the Board, upon the particular facts before us, to the extent at least, that the Board should exercise a judicial discretion as to making such an order on those facts.

I am unable to find in the evidence that public demand, or that public necessity, for the interchange at this point.

Had such evidence been presented to us, I think that the uncontradicted evidence, as to the inconvenience, expense, and danger of the operation, of such an interchange, and as to the paucity of industries to be served by it, would justify the Board in refusing the application.

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The interchange granted in 1915 was never made use of. Had there been a public demand for it, and a public injury caused by its non-existence, I think it would have been built and used. The application, so far as it at present appears, is merely to serve one industry, and to grant it in the face of the claim of its invasion of private rights, of its dangerous, inconvenient, and expensive operation, and its questionable utility, if built, would be, in my opinion, to contravene the broad principles followed by this Board in deciding questions of interchange.

Canadian Northern Ontario Ry. Co. v. C.P.R. 20 C.R.C. 200.

The Board's Order of 1915, provided an interchange, approved by the Board's Engineer, and acceptable to the applicants. If there were public interests then involved, that Order would serve that public interest.

Gillies Bros. and G.T.R. v. C.P.R. 18 C.R.C. 44.

I am unable to come to any other conclusion than that for the reasons above mentioned, the order asked for should not be made.

The application will be dismissed.

COMPLAINT OF MANITOBA LIQUOR CONTROL COMMISSION, *et al. in re* SUPPLEMENT NO. 15 THE CANADIAN FREIGHT CLASSIFICATION NO. 16

Judgment of Chief Commissioner, December 6, 1924, concurred in by Mr. Commissioner Oliver.

This case was heard at Winnipeg on the 20th day of November, 1924.

The complainants have put forward that the present classification specifies too high a rate for the carriage of liquors under the conditions now existing. It is pointed out that these charges are based upon an estimate which involves very considerable outlay for policing the freight carried, and it is contended that the conditions which rendered that course necessary at the time the classification was made no longer exist.

Much evidence was adduced to show that the loss by pilferage has very materially decreased, and the deduction we are asked to draw therefrom is that little danger is to be apprehended at present or in future on this account. We do not think this result necessarily follows, but are rather inclined to the view that the present immunity from theft is the result of the very large outlay necessitated by the extra care taken to secure safety for this class of freight and, in our view, the relaxation in police service would more likely be followed by an increase in loss of such goods in transit. The evidence convinces us that the expense incurred has produced the result to which it was directed, but from that fact it by no means follows that a lessened degree of care in this regard would not be followed by a renewed outbreak of the evil which the extra policing has been successful in almost wholly eliminating. Until conditions warrant a different conclusion, we think the present classification should stand.

The application is, therefore, refused.

APPLICATION OF CANADA CEMENT CO., LTD., MONTREAL, P.Q., *in re* RATE ON GYPSUM ROCK

Judgment of Assistant Chief Commissioner, December 31, 1924, concurred in by Mr. Commissioner Boyce.

The application is for a declaratory order defining the rate legally in force from Lythmore, Ont., to points referred to in the application and during the period January 1, 1921, to March 21, 1924. It is contended that under the long and short haul provisions of the Railway Act the rate from Lythmore.

Ont., is the maximum on movements from the intermediate point, Caledonia, Ont., to the destinations in question; and, presumably, it is the intention that if such declaratory order is obtained, and if an adjustment is not obtained from the railway, to take up in the courts the question of a refund of the difference between the rate as charged from Caledonia to the destinations involved, and the rate legally operative as a maximum from Lythmore to the same destinations.

The question involved has to some extent been dealt within—

Application of the Canada Cement Co., Ltd., for adjustment of rates on Gypsum Rock, in carloads, from Caledonia, Ont., to Montreal, Que., and Ottawa, Ont., on a basis not to exceed the rates now in effect on Crushed Stone; and

In the matter of Order of the Board No. 34341, dated Oct. 20, 1923, suspending M.C.R. Co's Supplement No. 69 to tariff C.R.C. No. 3074, effective November 3, 1923.

Board's Judgments & Orders, Vol. XIII, p. 317.

There was, *inter alia*, involved therein the question of the long and short haul clause. It was alleged by the Michigan Central that the rates operative from Lythmore were erroneous in that through oversight the increases authorized by the Board in various decisions had not been applied to the rate effective. It was further contended by the Michigan Central that the movements from Lythmore were so limited in quantity that there was nothing in the traffic situation to especially attract the attention of the railway to the erroneous rate quotations. The details in this connection will be found on pp. 319, 320 of the judgment above referred to.

The Board held that under the general rate orders existing, the rates as published from Lythmore were erroneous. As pointed out in the judgment, the Michigan Central, when the application was launched in 1923 and when its attention was drawn to the rate situation, endeavoured to rectify it by filing a tariff on a basis in accordance with the rate increases sanctioned by the Board.

The applicant company, which is also the applicant in the present application, contended that the existing lower level of rates from Lythmore was material to the presentation of its case and that, therefore, the increased rate should not be allowed to become operative pending decision.

The Board, with some hesitation, suspended the rate increases in question. In the decision, after setting out, as above mentioned, that the rate adjustment as published from Lythmore was erroneous, it continued and said that the order which had suspended the cancellation of the lower rate should, so far as gypsum rock is concerned, be rescinded; and further stated that in view of the action thus recommended the rate published in error from Lythmore cannot be taken as a measure of what the rate from Caledonia should be to Montreal and Ottawa; that is to say, the railway was allowed to publish for the future a rate basis increased by the advances found reasonable by the Board.

The present application is for a declaratory order in regard to a past situation.

The movement from Lythmore, on the Michigan Central, to the Grand Trunk points concerned was through Hagersville. The distance between Lythmore and Hagersville is approximately seven miles. Hagersville is also a Grand Trunk point; and from this point to Caledonia, on the Grand Trunk, is approximately ten miles.

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The rate from Lythmore to Montreal, taking this as an example, was, on account of the increases already referred to not having been applied, standing at 16½ cents on one occasion and 17½ cents on another. The detail is contained in the tabular statement set out on page 319 of the judgment as above referred to. Under the increases, the rate would have been 22 cents. During the same period, the rate from Caledonia on the Grand Trunk to Montreal was 19½ cents.

The practice and decisions, both of the United States Supreme Court and of the Interstate Commerce Commission, in connection with the long and short haul clause of the United States Act to Regulate Commerce, and amending legislation, were referred to in the course of the hearing in the present application. *The Parrington Case*, which is published in summary form in *The Traffic World* of April 12, 1924, and in which decision was rendered by the United States Supreme Court in April, 1924, was referred to by counsel for the railway. What was involved therein was the question of reparation in connection with a violation of the long and short haul clause. The Supreme Court held that while a charge not permitted by the long and short haul clause of section 4 may subject the carrier to prosecution by the Government, such disregard of the 4th Section did not afford adequate basis for reparation where there was no other proof of pecuniary damage. Continuing, the Court pointed out the difficulty which might arise in connection with erroneous rate quotations, and used the following language in this connection:—

“The rule adopted by the Commission follows the logic of the opinion relied upon and can be readily applied. The contrary view would not harmonize with other provisions of the Act, and, put into practice, would produce unfortunate consequences. . . . If a lower rate published without authority becomes the maximum which may be charged from any intermediate point, mistakes in schedules (and they are inevitable) may become disastrous. Suppose the rate from an obscure point in Maine to San Francisco via Boston, New York, and Chicago, should be printed at \$15, instead of \$150, and the error remained undiscovered for many months, could all who had paid more than \$15 for passage along that route recover the excess without proofs of pecuniary loss?”

It will be noted, therefore, that what was specifically before the court was the basis of reparation; and putting it in a summary way, the finding was that damage affording a basis for reparation is a matter of evidence, not of presumption.

A similar case was before the Interstate Commerce Commission in *Oregon Fruit Co. vs. Southern Pacific Co. et al*, 50 I.C.C., 719. In this case, carload rates for the transportation of water melons from Sultana and Monson, Cal., to Salem and Medford, Ore., were found to be in violation of the long and short haul clause. Medford and Salem were intermediate to Portland from Sultana and Monson. At the time the shipments moved, there were in effect to Portland rates of 45 cents from Sultana and 47½ cents from Monson. The rates contemporaneously in effect from Sultana to Salem and Medford were 51 cents and from Monson to Salem 50 cents. At p. 722, the opinion of the Commission was set out:—

“There is no proof that the complainant has been in any wise damaged by the maintenance of the lower rate to Portland.”

On the same page, the ruling of the Commission in regard to reparation was set out as follows:—

“In the absence of proof of damage to the shipper, the fact that carriers have charged or received rates which violate the long and short haul rule of the 4th section of the Act is not of itself a sufficient basis for an award of reparation.”

See in this connection the citations given on the same page.

Reference may also be made to *John Nix & Co. et al v. Southern Rd. Co. et al*, 31 I.C.C., 145; and to *Iten Biscuit Co. v. C.B. & Q. Rd. Co. et al*, 53, I.C.C., 729.

So far, then, as the American legislation is concerned, it would appear that the ruling of the United States Supreme Court upholding various rulings of the Interstate Commerce Commission is concerned with the matter of reparation; and it would appear that the remarks as to the status of rates published in error are also concerned with the question of the basis for reparation.

The long and short haul provisions of the Railway Act differ in various respects from the provisions of the similar legislation contained in the United States statutes. Subsection 5 of section 314 reads as follows:—

“The Board shall not approve or allow any toll, which for the like description of goods, or for passengers carried under substantially similar circumstances and conditions in the same direction over the same line or route is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that, owing to competition, it is expedient to allow such toll.”

The subsection contains what is in effect a general rule, that where there is a movement in the same direction “over the same line or route”, under substantially similar circumstances and conditions, the charge for the shorter distance shall not be greater than that for longer distance, within which such shorter distance is included, unless the Board is satisfied that owing to competition it is expedient to allow said toll.

Subsection 3 of section 329, dealing with special freight tariffs, contains the following provision:—

“.....
“And greater tolls shall not be charged for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer.”

Subsection 3 of section 329 imposes an obligation on the railway. While, as already pointed out, subsection 5 of section 314 lays down a general rule, it is done by imposing an obligation on the Board, i.e., “the Board shall not approve or allow any toll. . . .” Subsection 5 of section 314 is general in its scope and might be assumed to cover the subject matter of special freight tariffs as well. But the reference in section 329 to the long and short haul provision as affecting special tariffs would seem to raise some doubt in this connection.

Further, subsection 3 of section 329, in dealing with the long and short haul provision, provides that a greater toll shall not be charged for a shorter than for a longer distance, “over the same line in the same direction.” Section 314, subsection 5, has a provision “over the same line or route.” The words “or route” it will be noted are not contained in subsection 3 of section 329.

The amendment by adding the words “or route” to section 314 was made in 1919, and from the draftsman’s notes the reason was to make the context clearer. While there is thus some uncertainty as to the relative scope of the two sections, it may be noted that by a tariff circular of the Board, approved under General Order No. 398 of April 11, 1924, section 38 provides as follows:—

“Section 329, subsection 3, of the Railway Act, in connection with special tariffs, provides that greater tolls shall not be charged therein for a shorter distance than for a longer distance over the same line, in the same direction, if such shorter distance is included in the longer distance. Tariffs issued between specific points in Canada containing rates which are not competitive under section 329, subsection 4, shall contain the following clause:—

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‘The rates named herein unless specifically indicated are maximum rates and must not be exceeded in the same direction from or to any intermediate point in the direct line of transit.’”

The Michigan Central tariffs C.R.C. 2988 and 3074, which were in effect during the period in question, were joint tariffs applying from stations on the Michigan Central and other specified initial lines to points in Ontario, Quebec, and the Maritime Provinces, on various commodities.

A general concurrence form of the Grand Trunk Railway System, G.C. No. 23, filed in favour of the Michigan Central reads as follows:—

“This is to certify that the Grand Trunk Railway System (east of Detroit and St. Clair rivers) assents to and concurs in all joint tariffs and supplements thereto that may hereafter be published and filed by the Michigan Central Railroad Company in which this company is named as a party thereto, in so far as such schedule contains rates which apply within Canada to or via (not from) this company’s points.”

It would appear that not only was there an erroneous rate basis from Lythmore, so far as the Michigan Central was concerned, but also so far as tariff inter-relations between the Michigan Central and the Grand Trunk were concerned, the concurrence limited its scope to traffic moving “to or via” (not from) Grand Trunk Railway points; and as the Grand Trunk did not file as an initial carrier under a C.R.C. number, it would appear that as a matter of tariff construction, the rule on p. 18 of the tariffs as to application of rates from intermediate stations could only have been intended to apply to stations on the lines of the initial carriers who filed said tariffs under their C.R.C. numbers. The rule reads:—

“Except as otherwise specifically provided for herein, the rate from any station from which a rate to the destination station of the shipment is not published in this tariff, which is directly between two points from which rates are named, will be the same as from that point from which the higher rate is published. If the station is directly between two points from which the same rate applies, such rate will also apply from the intermediate station. If the station is not located between two points from which rates are published herein to the destination station of the shipment, the rate will be the same as from the next named point beyond.

“*Exception.*—The above will not apply when, if by the use of class rates a lower rate can be obtained than under this rule.”

The Michigan Central in a written submission states:—

“It is our view that the clause published on page 18, Michigan Central C.R.C. 3074, as to the application of rates from intermediate stations, can have no bearing whatever as to the legal rate to apply from Caledonia because the Michigan Central is not authorized to publish rates from stations on the Canadian National Railways. This intermediate clause applies only from stations on the Michigan Central, and for the account of the railroads for which the Michigan Central issues rates and which roads file Michigan Central C.R.C. 3074 with the Board for their account. The tariff clearly shows that it does not apply from stations on the Canadian National Railways.”

The Interstate Commerce Commission in dealing with infractions of the long and short haul clause has held that a merely theoretical or paper rate that has not been used and which was unknown to the defendant until casually discovered will not be accepted as affording a just basis for an order for reparation, on shipments made to an intermediate point at a slightly higher rate, *Missouri & Kansas Shippers’ Assn. vs. M. K. & T. Ry. Co.*, 12 I.C.R., 433.

In the case in question, shipments of hay were made from various points to Kansas City. St. Joseph, a point 63 miles beyond Kansas City, had a rate lower than the Kansas City rate. It would appear that for many years there had been no movements of hay from the point in question to St. Joseph and, consequently, no commodity rates had been put in. When hay was offered to move from the point in question to St. Joseph, the railway established a commodity rate somewhat higher than the rate to Kansas City. The Commission, at pp. 484-485, used the following language:—

“Although it is clear that the Class C rate was a paper rate only, so far as hay was concerned, and that the breach by defendant of the provisions of section 4 was therefore purely technical and in no sense substantial, the object of this petition is to take advantage of the situation and to secure reparation on shipments that moved to Kansas City, while the defendant inadvertently permitted its tariffs to remain in that condition.

“While its procedure is to some extent judicial in nature, the Commission is essentially an administrative body; and in the adjustment of contentious proceedings of this kind it ought to examine into the real substance of the matter unembarrassed by considerations that are purely technical. Looking at the complaint from this point of view, it seems to us wholly without merit. We are unable to accept a merely theoretical or paper rate, for the longer haul, that has not been used and was unknown either to the defendant or to the complainant, until casually discovered after it had been the published rate for some years, as affording a just basis for an order for reparation on shipments made to an intermediate point at a slightly higher rate. This view of the matter is supported by the uncontradicted evidence of the defendant, tending to show that Class C rate of 10 cents to St. Joseph was not a compensatory rate on hay, and by the complete failure of the complainant to show that the rate to Kansas City was in itself excessive. That issue although raised in the complaint was abandoned on the hearing.

“The petition must be dismissed and it will be so ordered.”

It is of course to be recognized that these remarks deal with reparation procedure. The Board has no power to deal with reparation or to direct refunds; and unless the Railway Act so permits, it has no power to consider whether the rate at a longer distance point involved in a long and short haul matter, is a paper one or not. The Board's powers, as herein invoked, are limited to declaring what the lawful rate was or should have been (1914) A.C., 1022.

Lythmore is some 17 miles from Caledonia. The traffic in gypsum rock originating at Lythmore and moving to the destinations involved is light. In 1921, while no detail is given, there is said to have been little or no movement; in 1922, two cars moved; in 1923, one car moved from Lythmore to Montreal on October 20, 1923. This movement took place while the application was pending, and after the application dated October 9, to suspend the supplement cancelling the lower rate basis had been received by the Board.

So far as the evidence submitted warrants a conclusion, Caledonia is a much more important point of shipment of gypsum rock than Lythmore. The evidence submitted in the earlier case is that the movement from Lythmore is light and infrequent.

The Grand Trunk alleges that it was unaware of the erroneous rate from Lythmore, until the mistake was brought to its attention by the applicant. The applicant's reply is,—

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"The Canadian National Railways was a party to the tariffs of the Michigan Central Railroad Company; they duly received copies thereof, and had every opportunity to check and advise the Michigan Central Railroad if they had any objections to the rates published therein. Under these conditions, the Canadian National Railways are equally responsible with the Michigan Central Railroad for the rates published from Lythmore, Ont."

In a communication on file from the Grand Trunk, it is represented that the claims outstanding amount to some \$41,000. This phase of the matter was not gone into, the Board having no jurisdiction in regard to the claims in themselves. It was, however, intimated by the applicant that the amount involved was less than this; but it was not indicated how much less. Dealing with this phase of the matter, the railway set out:—

" It seems highly improper that the inadvertent action of the Michigan Central should be held to saddle the Canadian National Railways, and as a matter of fact, the people of this country, with the loss of some forty or fifty thousand dollars they have no moral right to. . . . It does not seem to be proper that an action of this kind on the part of the Michigan Central, or any other railroad, should be allowed to seriously deplete the revenues of another railway whose rates are adjudged to be reasonable."

While the matter was thus strongly argued from the standpoint of the equities concerned, and while stress was laid in other portions of the arguments on the position that it was inequitable to make the Canadian National, the successor of the Grand Trunk, responsible for the inadvertent action of the Michigan Central, I am forced to conclude that under the provisions of the Railway Act applicable to the matter involved, the Board is precluded from giving weight to these arguments.

So far as the rate from Caledonia, Ont., on the Grand Trunk System, to Montreal, on the same system, is concerned, it is not contended that this rate is of itself unlawful. There is nothing to show that there was any illegality in regard to the filing and publication of this rate, nor was it so contended. Further, it is not shown that the original rate, prior to the increases allowed by the Board, had been successfully attacked as being unreasonable; and it is not contended that the rate as now operative is not a result of this original rate being increased by addition found reasonable by the Board.

This was the condition during the period covered by the application and in respect of which a declaratory order is asked for. During the same period there was published and in existence from Lythmore, on the Michigan Central, to Montreal, on the Grand Trunk System, a rate legally filed and published but which had not been increased in accordance with the increases allowed by the Board.

The rate in question complied with the statutory provisions as to filing and publication.

As has been indicated the applicant invokes the long and short haul provisions of the Railway Act as controlling the rate from Caledonia.

It was held in the *Stoy* case that the Board had power to declare what the lawful rate was, or should have been, leaving the parties to whatever redress they might be entitled to consequent upon that declaration.

British American Oil Co. v. Can. Pac. Ry. Co., 12 C.R.C. 327, at p. 331;

British American Oil Co. v. G.T.R., 9 C.R.C. 179, at p. 190; (1914) A.C. 1022.

In the *Stoy* case, however, what was involved was a narrow question of law involving the provisions of the Railway Act as applicable thereto, and not going beyond these provisions. There was no reference in the judgments to matters of equity being involved. There was not, in fact, any allegation that there were matters of equity involved.

In the present case there is an application for a ruling as to the lawful rate. The answer of the railway turns on matters involving jurisdiction in equity and seeks equitable relief on the ground of mistake, not of its own action, but due to the action of the Michigan Central Company, by which it may be bound.

While the answer thus involves consideration of the principles of equity the jurisdiction of the Board is limited to the consideration of what falls within the scope of the Railway Act. The Board is given no jurisdiction in equity and therefore the pleas in equity advanced by way of answer do not fall within its jurisdiction.

It would not appear reasonable or proper that because the applicant has invoked the jurisdiction of a tribunal whose powers are thus limited the railway company should be precluded from such consideration as may be proper being given to its answer. And it would therefore appear that since in the case as presented pleas both in law and in equity are adduced the Board should not, by ruling on the one phase of the matter falling within its jurisdiction, preclude action being taken in a court of competent jurisdiction whose powers are such as to permit it to consider both the questions of law and of equity involved. The parties should be so informed.

APPLICATION OF SALADA TEA COMPANY OF CANADA, LTD., *re* REDUCTION IN IMPORT RATE ON TEA

Judgment of Assistant Chief Commissioner, December 31, 1924, concurred in by Mr. Commissioner Boyce.

This application has been the subject of correspondence and hearing. The details in connection with the application are fully set out in the correspondence. The hearing added to the matter simply a discussion of the general issues involved. The issues and detail concerned are put in a condensed form in the correspondence, and may be gathered therefrom.

The first communication received by the Board from the applicant company reads as follows:—

“There appears to us to be a discrimination in certain freight rates that militates against our competing with our competitors on equal terms in certain parts of Canada.

“The rate, ocean and rail, on tea from Ceylon or India laid down in Toronto is approximately a penny farthing (1½d). Our competitors in Vancouver can bring in tea on what is known as an import rate, hold it there for a very considerable period—quite long enough for them to blend and pack it—and then ship it down here at a rate that is practically equivalent to the above penny farthing (1½d). As it costs us in addition 3.57 cents per pound to reach British Columbia it means that we are at exactly that disadvantage as compared with them. They can not only reach their own market for much less than we can—and this, of course, is admittedly beyond your control—but they can reach

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our market, apparently with your assistance, for some three and a half cents less than we can reach theirs.

"Would it not be possible for us to get this import rate made applicable from Toronto or Montreal to outward points? We shall be very glad to hear from you in this matter."

The matter was then taken up by the Board with the Canadian Freight Association which replied as follows:—

"In reference to your communications of March 5 and 21, file 17584, in the matter of rates on tea from Toronto or Montreal.

"The Salada Tea Company of Canada, Limited, make the statement that the rate, ocean and rail, on tea from Ceylon or India laid down in Toronto is approximately a penny farthing per pound, and that their competitors in Vancouver can bring in tea at what is known as an import rate, hold it at Vancouver for a very considerable period, blend and pack it, and then ship it to Toronto at a rate that is practically equivalent to the rate in effect from Ceylon or India to the Atlantic coast, plus the rail rate to Toronto, i.e., a penny farthing per pound.

"The current rate on tea from Calcutta to Montreal and Toronto via Vancouver is approximately \$2.30 per 100 pounds. The current rate from Colombo, Ceylon, to Montreal and Toronto is approximately \$3.15 per 100 pounds, a higher rate from Ceylon being occasioned by the steamer rate up to Hong Kong.

"The rate on tea from Seattle, Tacoma, Portland, Ore., and other Pacific coast ports to Eastern United States points is the same as from Vancouver to Eastern Canada, namely \$1.50 per 100 pounds (see Countiss' Eastbound Import Tariff 30-1, C.R.C. 447.

"No Calcutta or Colombo teas destined to points east of Fort William move via Vancouver. The only teas moving through Vancouver to points east of Fort William are Japan and China teas, and if the Canadian transcontinental lines are to handle any of these China and Japan teas it is necessary that they protect the current rate of \$1.50 per 100 pounds, for the rail haul. This rate is necessary on account of the competition of steamers operating from Japan and China to the Pacific coast in connection with the inter-coastal lines, and also the direct lines running from China and Japan through the Panama canal to the Atlantic coast. If it were possible to do so, the Canadian Railways would have no objection to limiting the application of the present import rate on tea to shipments originating in China and Japan. In actual practice the rate is limited in this manner for the reason that the Indian and Ceylon teas move to the Atlantic coast by the all water route. If the railways cancelled the rate of \$1.50 from Vancouver to Eastern Canada it would not in any way change the present situation, that is, China and Japan teas could still be laid down in Eastern Canada at the present rate. The only result would be that the Canadian railways would lose the haul to either the all water lines or the United States Transcontinental Lines.

"We submit, in view of the above facts, that the rate of \$1.50 per 100 pounds, from the Pacific coast to Eastern Canada does not in any way prejudice the position of the tea companies in Eastern Canada handling Calcutta and Colombo teas.

"A copy of this letter has been sent to the Salada Tea Company of Canada, Limited."

Some correspondence then took place between the Board and the Canadian Freight Association with the intention of bringing about a clearer joinder of issues. The next communication is a letter from the Canadian Freight Association as follows:—

“In reply to yours of July 23, file 17584, in the complaint of the Salada Tea Company of Canada, Limited, regarding import rates on tea.

“The memorandum attached to Mr. Larkin's letter of July 16, to the Board indicates that the Salada Tea Company object to the present import freight rate from Vancouver on tea originating in Ceylon and India, which is held in Vancouver for processing and repacking and reshipped to points in Western Canada. They also object to bulk tea moving under special import rate from Vancouver to Eastern Canada, and they ask for similar import rates and privileges on import tea held at Montreal, which may ultimately be shipped to points west of Fort William.

“My letter to Mr. Richardson dated March 27, 1923, sets forth the position of the railways in connection with these rates.

“Our information is that the present approximate rate on teas originating in Calcutta, destined to Montreal via Vancouver, would be \$2.30 per 100 pounds, and from Colombo, Ceylon, \$2.56½ per 100 pounds, while the rates from Calcutta to Montreal via the Atlantic seaboard, taking Boston as the port at which the ship would dock, is \$1.95 per 100 pounds, and from Colombo \$1.20½ per 100 pounds.

“Since my letter of March 27, 1923, we find on checking the records that no teas originating in Calcutta or Colombo have moved via Vancouver to points in Eastern Canada. The only teas moving through Vancouver to points in Eastern Canada being those originating in China and Japan.

“Tracing the history of the import rates via the Pacific back for ten years, we find that Countiss' Import Eastbound Tariff No. 26-A, C.R.C. 329, effective March 17, 1914, provides under clause No. 1, page 11, application of rates as follows:—

‘The rates authorized herein will be applied only when satisfactory proof is furnished initial rail carrier, party hereto, that shipments originated at Asiatic points, Phillipine Islands, Australia, New Zealand, or Fiji Islands, or beyond, and on shipments originating in Mexico, when so specifically shown in individual rate items.’

“This clause permitted the application of the import rates on traffic, even if taken into the consignees warehouses at the Pacific coast ports, provided satisfactory proof that the shipments were imported was furnished. This tariff applied from all Pacific coast ports, including Vancouver, Seattle, Portland and San Francisco. This arrangement ran along until the 1st of August, 1916, when in Countiss' Tariff 26-D, C.R.C. 364, the application of rates was changed to provide that in order to obtain the benefits of the import rates shipments had to be made within eighteen months and then only when such shipments were made in the original packages in which the articles were imported. An exception, however, was made in this tariff under item 575 applying on tea and tea dust in packages, by the following note:—

‘Rates named will also apply on shipments of tea processed and re-packed at port of entry and delivered to rail carriers within twelve months from date of arrival at port of entry.’

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"The current tariff is Countiss' Import Tariff No. 30-K, C.R.C. 462, effective September 14, 1923, which carries the same clause, except that the arrangement applying on processed tea applies only to points in Western Canada, and does not apply to points in Eastern Canada, shown on pages 21 to 24 inclusive, located on the Canadian Pacific and the Canadian National Railways. This change was made in an endeavour to satisfy the Salada Tea Company in the spring of 1923. This arrangement, of course, applies from United States Pacific ports to all United States points.

"Thompson's Import Tariff 110-A, C.R.C. 147, effective August 4, 1923, carries the current rates to points in Western Canada, see item 250, which provides for import rate—carload \$1.50, less carload \$2, to points in Western Canada designated on page 7 of the tariff, with the provision,—

'Rates named will also apply on shipments of tea processed and repacked at port of entry and delivered to rail carriers within twelve months from date of arrival at port of entry.'

"With reference to rates on bulk teas which move through Vancouver in their original packages. The Salada Tea Company in their complaint refer altogether to teas originating in India and Ceylon, and as has been pointed out above, the Canadian lines have not carried any such teas destined to points in Eastern Canada through Vancouver during the past two years. It is, therefore, plain that our import rates from Vancouver to Eastern Canada on tea in original packages of \$1.50 carload and \$2 less carloads do not in any way injure the Salada Tea Company, but they do permit the Canadian railways to handle shipments of tea originating in China and Japan destined to Eastern Canada, in competition with the all-water carriers from China and Japan, through the Panama canal to the Atlantic coast.

"The Salada Tea Company ask that rates be so made as to allow them to bring in teas originating in the Far East to Montreal and then ship back to Western Canada in competition with Vancouver, notwithstanding that the mileage to Montreal and back to Western Canada exceeds, by a very large figure, the mileage through Vancouver.

"In reference to the import rates on tea which may be processed and repacked at Vancouver and forwarded to points in Western Canada. As it has been pointed out, this arrangement has been in effect from all Pacific Coast ports, including Vancouver, Seattle, Tacoma, San Francisco, etc., for a great many years, and the Canadian lines simply followed the American transcontinental lines in this matter in order to protect their interests in a competitive manner.

"The situation at the present time, as it appears to the carriers, is that on Indian and Ceylon teas in the original packages, the Salada Tea Company in Eastern Canada have no competition from Western Canada, neither have they any competition in Eastern Canada on teas processed and repacked at Vancouver, because as explained above, the special tariff applying on repacked teas from Vancouver does not apply east of Port Arthur. They are asking, however, that they be given similar rates and privileges so that they may ship to Western Canada in competition with companies who have been supplying tea to that territory for a great number of years. The carriers feel that the present adjustment should be satisfactory to all concerned, but if the Board in their judgment feel that the Salada Tea Company or other doing business through Montreal, should be given similar rates and privileges on teas imported through

the Atlantic coast, destined to Western Canada, as now obtains from Vancouver, they will have no alternative but to withdraw the privilege to tea importers located at Vancouver now have and charge the full domestic rate on any tea which may be imported and processed or repacked at that point.

"A copy of this letter has been forwarded to Mr. Gerald Larkin, President of the Salada Tea Company, at Toronto."

In reply to this the applicant wrote as follows:—

"We have received a copy of a letter dated August 15, written to you by the Canadian Freight Association. It is in defence of their policy of giving a rate on tea which is lower when it is shipped from the West to the East than when it moves in the other direction across the Dominion.

"I have numbered the paragraphs in their letter, and think the best way to reply to their arguments is to deal with them in order.

"*Their Paragraph No. 4.*—We do not know the rates from Calcutta and Colombo to Montreal, via Vancouver, so we take those quoted by the C.F.A. for granted. In the case of the rate from Colombo to Montreal, via Boston, we think they have made a mistake when they quote \$1.20½ per hundred pounds, for it should be \$2.20 per hundred pounds gross. Besides this, we would ask why, when they are discussing teas from Colombo and Calcutta to Montreal, via Atlantic ports, do they take Boston as the point of transshipment? No one would import tea that way because they would lose the preferential discount of 10 per cent on the duty which is granted to importers via Canadian ports.

"*Their Paragraph No. 5.*—We maintain that their contention that no Ceylon and Indian teas have moved, of late, via Vancouver to points in Eastern Canada is irrelevant. In the first place, they might at any time, while in the second place, China and Japan teas are just as much opposition to us as Ceylon and Indian. Besides that, it is not only discrimination down here that we are objecting to, but we are complaining of that which is made in favour of Vancouver importers to points in the Prairie Provinces.

"*Their Paragraph No. 10.*—In our memorandum of July 17, which was attached to our letter of the 16th, we did specifically mention Ceylon and Indian teas, but only because these and the teas from Java are the only ones we handle, and we, therefore, usually think in terms of these teas; but the fact remains that China and Japan teas are in active competition with us. We do not ask for protection against them, but we do object to the unfair advantage being given to dealers in these teas. This we consider a most important point, because the Canadian Freight Association in their letter to you constantly lay stress on the fact that we are only interested in Ceylon and Indian teas.

"*Their Paragraph No. 11.*—The C.F.A. facts here are quite incorrect. We ask for nothing more than is given Vancouver importers, and we would respectfully point out that Winnipeg is closer to Montreal than it is to Vancouver over the Canadian National Railway, while it is about midway on the Canadian Pacific Railway. In addition, there is between Vancouver and Winnipeg, the very expensive haul over the Rocky mountains.

"*Their Paragraph No. 12.*—The fact that the import rate has been in effect for some years has nothing to do with the case. The length of time it may have been in force has no bearing on the justice of it.

"*Their Paragraph No. 13.*—We wish to object emphatically to an endeavour being made by the C.F.A. to narrow the argument down to a

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question of Eastern vs. Western Canada. Our business is throughout the entire Dominion, and we do not suppose for a minute that it is in the interests of the public policy to set up barriers between one part of this country and the other.

"We also beg that they be not allowed to confine it to Ceylon and Indian teas, Japan and China teas are just as keen opposition to us as British grown teas.

"We are not asking for any special privileges as the C.F.A. infer, we are only asking for the same rate on the Atlantic coast as is given to Vancouver importers, and for all we know to any importer west of the Great Lakes.

"Their contention that we want to compete with people who have been supplying certain districts with tea for years is one that we do not think will meet with your approval, for, after all, trade is supposed to be free throughout Canada. We may also say that we have been selling in Western Canada very much longer than many of the people who are now in business out there.

"We think that the best way we can place the unfairness of this whole matter before you is to give you certain figures. If you will take those contained in paragraph 4 of the C.F.A.'s letter to you of August 15, you will see that the rate quoted at which teas from Colombo, Ceylon, via Vancouver, can be laid down in Montreal is \$2.56½ per hundred pounds. Presumably, they can be laid down in Winnipeg for considerably less than that, although the C.F.A. does not give you that information; in Regina for less again, and in Calgary and Edmonton for still less. In our case importing via Canadian Atlantic ports (such as Halifax) to Montreal, the cost is 91/6d. per ton of 50 cubic feet. Fifty cubic feet of tea weighs 1,000 pounds gross, and 91/6d. at \$4.50 exchange for 1,000 pounds gross makes \$2.05 per hundred pounds. The carload rate, all rail, from Montreal to Winnipeg is \$1.78½ per hundred pounds. To this add the \$2.05 and you arrive at \$3.83½ for freight from Colombo to Winnipeg. Against this Vancouver is allowed to lay teas down in Winnipeg for, at most \$2.56½, and, perhaps, as we say above, even Winnipeg importers are allowed to bring their tea in there at that rate. This puts us at a disadvantage of \$1.27 on every hundred pounds, and yet the rail haul from Montreal to Winnipeg is 193 miles less than from Vancouver to Winnipeg and on the latter run is the expensive haul over the mountains."

In the discussion at the hearing the situation was put very clearly and frankly by Mr. Larkin, the President of the Salada Tea Company. The two points involved are: (1) An application that the same import rate apply westbound on tea from the port of Montreal as is given eastbound from Vancouver; (2) that the same treatment be given in the east as is given Vancouver in regard to tea stopped off and repacked at Vancouver.

In regard to the import rate on tea via Vancouver, it is admitted by the railways that there is a special import rate of \$1.50 per 100 pounds, in car lots from United States Pacific points to the Atlantic coast, applying also to intermediate points. The railways contend that it is on account of competitive conditions that the same rate has been applied from Vancouver eastward. In addition, there has been established the privilege of allowing tea to be processed (that is blended and repacked) at Pacific coast points. If this tea so processed is forwarded within twelve months from the date of entry the \$1.50 rate applies. This was established in 1916 by American lines running from San Francisco and Puget sound. It is stated in evidence that the custom grew up in the first instance at San Francisco on account of the delays pending

clearance by the customs, and that the outcome of this was that the railways allowed the tea to go into warehouses and the warehouse period was set at twelve months. The situation so created at American ports extended by way of competition to Vancouver.

In July of 1923 the \$1.50 rate on processed tea, so far as the movement eastward in Canada was concerned, was limited to Fort William, and so far as Canadian National and Canadian Pacific points were concerned was eliminated from the tariff applying from the United States Pacific coast. No change was made on the bulk teas, that is, the teas moving in original packages. It was set out that the railways handled through Vancouver a very large tonnage of bulk teas moving to United States points, and also some to Eastern Canada, and that if the rail rates were cancelled the only result would be that these teas would move through the Panama canal or American channels to Eastern United States points, or even to Canadian points at the same rate, namely \$1.50.

The Canadian Pacific is at present handling teas from China and Japan which, when they arrive at Vancouver, are transferred into coastal steamers and brought around to the United States Atlantic coast points. At the same time there is a large tonnage being handled by the Canadian Pacific to the Central United States, and also a considerable movement to the United States Atlantic points. The extent of this all rail movement, as compared with the water movement, depends upon the question of time and service.

The Canadian Pacific Railway contends that the rate on bulk teas is absolutely necessary in order to enable the Canadian railways to handle these teas through to the Eastern United States and Eastern Canada in competition with all water.

The applicant, in arguing that the same rate should apply westbound as eastbound, referred to Winnipeg as an evidence of the disadvantage to which the existing rate adjustment subjected him at present. He said that Winnipeg, taking Canadian National mileage, was about midway between Montreal and Vancouver; and he stated that his Company was at a disadvantage of 2 cents a pound there. The representative of the Canadian Pacific Railway stated that the difference was 1.48 cents. There was a lack of unanimity as to the difference, but it was conceded that there is a difference. Later the applicant referred to the difference as 1½ cents.

The applicant has a warehouse in Montreal. The movement by water in the open season of navigation to this warehouse is important. It was not stated just what proportion so moved; but it was stated the open season was the important part of the movement. It is represented that with the adjustment of rate asked for the western business could be handled from Montreal.

In the phase of the application dealing with the time during which tea can be held for processing it was asked that a limited period, stated at three months, be allowed in Montreal so that the applicant could benefit by it when packing and shipping for the West. There was not much discussion regarding the question of stop-over in the East for the processing. The applicant said he did not ask for Montreal only, but he thought that any eastern importer, or any eastern port should have the same privilege as the western port. There is no such arrangement existing in the East. The general argument of the railway was that the rate and privilege referred to were the outcome of competitive conditions.

The applicant does not contend that the rate he is paying is unreasonable in itself, nor does he attempt to adduce evidence bearing upon any alleged detriment accruing to him from the difference in rate basis eastbound as compared with westbound. The applicant is very frankly and fairly putting forward his desire to have a more extensive territory westward tributary to his business. His recognition of the competitive factors entering in appears through-

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out his presentation. At p. 9217 of the evidence he recognizes that tea will move to some extent over American railroads unless the Canadian road can compete from Vancouver; that is to say, it will pass through Seattle and San Francisco. At p. 9218, in response to a question of mine as to whether he recognized that there was any special competitive condition applying on the movement of tea eastbound, he replied: "Oh, yes, I understand their point of view." To a further question reading as follows: "Do you, in contending that your rates westbound should be adjusted so that you can do business in the West, do you contend that there are similar competitive conditions affecting rates westbound?" To this he replied: "No. In other words, the railroads have had to give this rate eastbound, they have not westbound." He was asked whether he contended the railways, in meeting water competition, had gone down to too low a point in the rate from the West. He replied, "Not to too low a point if they have to meet competition, if that is considered advisable they have to meet it on equal basis." The matter from the applicant's standpoint was put in a summary way at p. 9219 of the evidence which follows:—

"The ASSISTANT CHIEF COMMISSIONER: Well, it narrows down to this: there is a competitive situation affecting the rates eastbound from Vancouver, you recognize that. You do not contend that the railways have gone down too low in reducing rates to meet that competition. You recognize that there is not a similar rail or water competition from Eastern Canada westbound.

"But you approach it, not from the standpoint of railway competition, but you say the railways have put it on a competitive basis eastbound, and the result is you are hampered in doing business in territory west?

"Mr. LARKIN: Entirely, that is the exact situation. In order to meet their difficulty they have put us in a difficulty."

Under the Railway Act and the decisions thereunder, the railways may meet water competition, but it is not the privilege of the shipper to demand less than normal tolls because of such competition, which the railway in its discretion does not choose to meet. *Blind River Board of Trade v. Grand Trunk, Canadian Pacific Ry., Northern Navigation and Dominion Transportation Cos.*, 15 Can. Ry. Cas., 146; *Bowlby v. Halifax & South Western Ry. Co.*, 20 Can. Ry. Cas., 231; *Nanaimo Board of Trade v. Canadian Pacific Railway Co.*, 23 Can. Ry. Cas., 92.

It has been pointed out that the company's untrammelled right to meet or disregard competition is subject to this qualification, that after having elected to meet any competition on its system in a district where similar operating and traffic conditions obtain, the competitive rate should be extended to such other points in the common district. See *Nanaimo Case* at p. 98, referring to *Midland Lumber Shippers v. Grand Trunk Ry. Co.* 22 Can. Ry. Cas., 387. Subject to this qualification the railways have, under the Railway Act, a wide discretion in meeting water competition.

It is frankly admitted by the applicant that the rate adjustment and privilege attaching thereto on the movements eastbound which he seeks to make the measure of what should be done westbound are the outcome of a competition both by water and by American rail carriers which do not exist in connection with the movement westbound from Montreal. The applicant does refer to a disadvantage of 1½ cents per pound at Winnipeg; but I do not understand that he is advancing this as evidence of unjust discrimination. What he is really concerned with is greater distributing territory westward. Since he does not attack the existing rate westward as being unreasonable in itself, and since he admits that the rate adjustments eastbound are due to special competitive conditions, I am of the opinion that the application must fail.

APPENDIX " B "

REPORT OF THE CHIEF TRAFFIC OFFICER OF THE BOARD FOR
THE YEAR ENDING DECEMBER 31, 1924

DEAR SIR,—I submit for the Board's Twentieth Report information regarding work of the Traffic Department.

The number of freight, passenger, express, telephone, telegraph, and sleeping and parlour car schedules filed with the Board was as follows:—

FROM NOVEMBER 1, 1904, TO AND INCLUDING DECEMBER 31, 1923

Freight—				
Local tariffs.....	18,733			
Supplements.....	39,053			
			57,786	
Joint tariffs.....	41,824			
Supplements.....	130,603			
			172,427	
International tariffs.....	151,678			
Supplements.....	461,748			
			613,426	
				843,639
Passenger—				
Local tariffs.....	18,928			
Supplements.....	24,410			
			43,338	
Joint tariffs.....	18,095			
Supplements.....	28,930			
			47,025	
International tariffs.....	34,305			
Supplements.....	69,311			
			103,616	
				193,979
Express—				
Local tariffs.....	6,156			
Supplements.....	57,527			
			63,683	
Joint tariffs.....	6,428			
Supplements.....	25,496			
			31,924	
International tariffs.....	6,239			
Supplements.....	7,528			
			13,767	
				109,374
Telephone—				
Local tariffs.....	3,201			
Supplements.....	2,616			
			5,817	
Joint tariffs.....	3,920			
Supplements.....	31,653			
			35,573	
International tariffs.....	429			
Supplements.....	9,719			
			10,148	
				51,538
Telegraph—				
Tariffs.....	196			
Supplements.....	234			
			430	
				430
Sleeping and parlour car—				
Local tariffs.....	217			
Supplements.....	295			
			512	
Joint tariffs.....	259			
Supplements.....	418			
			677	
International tariffs.....	322			
Supplements.....	974			
			1,296	
				2,485
Grand Total.....				1,201,445

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FROM JANUARY 1, 1924, TO AND INCLUDING DECEMBER 31, 1924

Freight—			
Local Tariffs.....	285		
Supplements.....	978		
		1,263	
Joint Tariffs.....	712		
Supplements.....	12,227		
		12,939	
International Tariffs.....	7,642		
Supplements.....	39,227		
		46,869	
			61,071
Passenger—			
Local Tariffs.....	337		
Supplements.....	557		
		894	
Joint Tariffs.....	712		
Supplements.....	1,054		
		1,766	
International Tariffs.....	1,933		
Supplements.....	4,647		
		6,580	
			9,240
Express—			
Local Tariffs.....	62		
Supplements.....	134		
		196	
Joint Tariffs.....	46		
Supplements.....	418		
		464	
International Tariffs.....	83		
Supplements.....	241		
		324	
			984
Telephone—			
Local Tariffs.....	46		
Supplements.....	29		
		75	
Joint Tariffs.....	6		
Supplements.....	803		
		809	
International Tariffs.....			
Supplements.....			
			884
Telegraph—			
Tariffs.....	7		
Supplements.....	18		
		25	
			25
Sleeping and Parlour Car—			
Local Tariffs.....	12		
Supplements.....	17		
		29	
Joint Tariffs.....	39		
Supplements.....	51		
		90	
International Tariffs.....	33		
Supplements.....	88		
		121	
			240
Total.....			72,444
Combined Total all Schedules.....			1,273,889

The number of files referred to the Traffic Department during the year 1924 for information, report or recommendation, was 817.

The number of communications to railways, express, telephone, and telegraph companies, in connection with complaints, proper interpretation of tariffs, or classification and filing of same; also in connection with powers of attorney, concurrences, etc., was 1,607. Communications to others were 1,522, or a total of 3,129, as compared with 2,573 in 1923.

The following is a list of traffic orders issued, also a list of orders approving connecting agreements or service station contracts between the Bell Telephone Company and named local telephone companies:—

TRAFFIC ORDERS

No. 34669, January 11, 1924.—Dismisses complaint of Rolland Paper Company, of Mont Rolland, Que., against alleged discrimination in freight rates on coal from Montreal to Mont Rolland.

No. 34671, January 11, 1924.—Dismisses complaint of Winnipeg Paint and Glass Company, Winnipeg, Man., regarding payment of overcharge claims by the Midland Railway on international shipments moving during the period of Federal control.

No. 34672, January 16, 1924.—Approves Supplement No. 1 to Canadian Pacific Railway Standard Mileage Freight Tariff C.R.C. No. W-2642.

No. 34704, January 24, 1924.—Refuses application of Grande Prairie Board of Trade, the Grande Prairie Municipality, Alta., *et al*, for a substantial reduction of freight and passenger rates now charged by the Canadian Pacific Railway; Edmonton, Dunvegan and British Columbia River, and the Central Canada Railway.

General Order No. 388, January 20, 1924.—Requires all railway companies, subject to the jurisdiction of the Board, to publish an amendment to their Official Distance Tariffs, adding thereto a uniform rule for the application of mileage rates on carload freight from loading sidings when the mileage is not published.

General Order No. 391, January 31, 1924.—Directs that the maximum stop-off charge for milling grain in transit at stations within Canada shall be 1 cent per 100 pounds, regardless of the final destination of such traffic, and directs all railways to amend their tariffs accordingly, effective not later than February 11.

No. 34731, February 6, 1924.—Approves Supplement No. 2 to Temiscouata Railway Company's Standard Freight Mileage Tariff C.R.C. No. 413.

No. 34744, February 9, 1924.—Approves Standard Passenger Tariff C.R.C. No. 5 of the Schomberg and Aurora Railway.

General Order No. 392, February 7, 1924.—Directs railway companies, subject to the jurisdiction of the Board, who publish tariffs covering milling-in-transit arrangements on grain, to amend, effective not later than February 25, 1924, the said tariffs extending the same arrangement on peas produced in Canada, for milling or other treatment.

No. 34746, February 7, 1924.—Approves Wabash Railway Company by-laws authorizing W. E. Mattox, Chief of Tariff Bureau, and L. A. Blatterman, General Passenger Agent, to prepare and issue tariffs of freight and passenger tolls.

No. 34748, February 13, 1924.—Approves Standard Passenger Tariff C.R.C. No. 8 of the Ottawa Electric Railway.

No. 34752, February 12, 1924.—Requires the Canadian National Railways to publish and file tariffs showing commodity rates on fresh apples, when shipped in crates (commonly known as bushel boxes), from various points on its railways in Ontario, to Aylmer, Brighton, Simcoe, Strathroy and Forest, for canning and shipment, on a carload basis of 8th class rate, carload minimum weight 35,000 pounds.

No. 34754, February 14, 1924.—Suspends, pending investigation, Supplement No. 1 to Express Traffic Association Tariff C.R.C. No. ET-810; Supplement No. 26 to Canadian National Express Department Tariff C.R.C. No. 1842; Supplement No. 1 to Canadian National Express Department Tariff C.R.C. No. 31; Supplement No. 6 to Dominion Express Company's Tariff C.R.C. No. 4645; and Supplement No. 3 to Dominion Express Company's Tariff C.R.C. No. 4670, cancelling various commodity express rates between points in Eastern Canada.

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General Order No. 393, February 13, 1924.—Approves service station form of agreement between the Bell Telephone Company and any other company, municipality, or corporation having authority to construct or operate a telephone system or line.

No. 34761, February 15, 1924.—Dismisses complaint of Rolland Paper Company, Mont Rolland, Que., against Canadian Pacific Railway assessment of the switching charges of the Montreal Harbour Commissioners with respect to carload shipments of coal ex-Montreal wharf.

No. 34763, February 22, 1924.—Approves Standard Tariff of Freight Mileage Tolls, C.R.C. No. C-2087, of the Maine Central Railroad Company.

General Order No. 295, February 26, 1924.—Amends Shipping Container Specifications Nos. 14, 15 and 16. Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, so as to permit the use of steel corrugated fasteners driven across the joints outside, in addition to the present requirements, when the sides, ends, tops, and bottoms of boxes are made of more than one piece.

No. 34783, February 27, 1924.—Approves Standard Freight Mileage Tariffs C.R.C. Nos. N.Y.C. 2873 and 2874 of the New York Central Railroad Company.

No. 34794, February 27, 1924.—Approves Standard Freight Mileage Tariff C.R.C. No. 1888 of the Central Vermont Railway.

No. 34795, February 28, 1924.—Approves Supplement No. 1 to Maine Central Railroad Standard Freight Mileage Tariff C.R.C. No. C-2087, and rescinds Order No. 34763, dated February 22, 1924.

No. 34796, February 29, 1924.—Suspends, pending hearing, Item 660A in Supplement 92 to Canadian National Railways Tariff C.R.C. No. E-4748, Item 1180A in Supplement 65 to Canadian Pacific Railway Tariff C.R.C. No. E-3996, and Item 608A in Supplement 19 to G. C. Ransom's Tariff C.R.C. No. 110, showing cancellation of commodity rates on polish or blacking (shoe or stove), in carloads, effective March 1, 1924.

No. 34802, March 6, 1924.—Refuses application of Canada Cement Company, Limited, for an adjustment of rates on gypsum rock in carloads from Caledonia, Ont., to Montreal, Quebec, and Ottawa.

No. 34819, March 8, 1924.—Approves Supplement No. 2 to Dominion Atlantic Railway Standard Mileage Freight Tariff C.R.C. No. 688.

No. 34828, March 10, 1924.—Approves Supplement No. 1 to Quebec Central Railway Standard Mileage Freight Tariff C.R.C. No. 806.

No. 34862, March 21, 1924.—Directs the Dominion Atlantic Railway to furnish Herbert Oyler, Kentville, N.S., with bills of lading for the actual number of barrels of apples loaded in each car, so long as his warehouse remains within 100 yards of the passenger station at Kentville, N.S.

No. 34867, March 26, 1924.—Approves Supplement No. 9 to Express Classification for Canada No. 5.

No. 34877, March 29, 1924.—Approves Supplement No. 2 to Grand River Railway Standard Freight Mileage Tariff C.R.C. No. 57.

No. 34879, March 29, 1924.—Approves Supplement No. 3 to Lake Erie & Northern Railway Standard Freight Mileage Tariff C.R.C. No. 165.

No. 34898, April 1, 1924.—Approves Standard Passenger Tariff C.R.C. No. 260 of the Quebec Central Railway.

No. 34942, April 22, 1924.—Approves Standard Freight Tariff C.R.C. No. 160 of the Schomberg & Aurora Railway.

No. 34944, April 24, 1924.—Suspends, pending hearing, certain railway companies' tariffs establishing a minimum charge of \$12 a car on live stock moving locally between points on the said lines.

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No. 34963, April 25, 1924.—Approves Supplement No. 3 to Express Traffic Association Tariff C.R.C. No. E.T. 694, Regulations for the Transportation by Express of Acids, Inflammables, etc.

No. 34991, April 26, 1924.—Rescinds Order No. 34754, dated February 14, 1924, in so far as it suspends Supplement No. 1 to Canadian National Express Department Tariff C.R.C. No. 31, and Supplement No. 3 to Dominion Express Company's Tariff C.R.C. No. 4670.

No. 34995, May 1, 1924.—Approves Supplement "H" to Express Classification for Canada No. 5 for consolidation with Express Classification No. 5, the new issue to be known as Express Classification for Canada No. 6.

General Order No. 398, April 11, 1924.—Approves the Rules and Regulations Governing the Construction and Filing of Freight and Passenger Schedules, for use of railway companies.

General Order No. 399, May 1, 1924.—Prescribes certain regulations respecting the filing of returns to the Board regarding free or reduced transportation.

No. 35021, May 2, 1924.—Declares that the provision in Item No. 4, page 72 of Great Northern Railway Tariff C.R.C. No. 1800, for an arbitrary over the Nelson rate of 3 cents per 100 pounds, applying on posts, rails, poles (for fencing purposes), stulls, lagging, poles, props (for mining purposes), in carloads, from Salmo, B.C., or points taking the same rates as shown on pages 11 and 12 of said tariff, between August 1, 1922, and February 21, 1923, was an error contrary to authority granted under General Order No. 366; and authorizes the Great Northern Railway to make refund of the difference between 3 cents and 2½ cents per 100 pounds, with respect to any shipments of the traffic described during the said period.

No. 35041, May 8, 1924.—Dismisses complaint of the Dominion Millers' Association with regard to export rates on flour from Ontario points to New York.

General Order No. 400, May 14, 1924.—Requires all railway companies to publish tariffs containing certain reductions in rates on ex-lake grain when milled, bagged, cleaned or clipped at lake ports or in transit and reshipped to Atlantic seaboard ports for export.

General Order No. 401, May 15, 1924.—Rescinds General Order No. 177, dated January 10, 1917, *re* filing of tariffs with the Board, the conditions contained in the said General Order having been published in Circular No. 204, approved by General Order No. 398.

No. 35115, May 20, 1924.—Amends Order No. 35021, authorizing a refund of the difference between 3 cents and 2½ cents per 100 pounds on posts, poles, rails, etc., in carloads, between August 1, 1922, and February 21, 1923, by changing it to read between August 1, 1922, and January 24, 1923.

No. 35146, June 5, 1924.—Approves Standard Passenger Tariff C.R.C. No. 538 of the Northern Pacific Railway.

No. 35223, June 18, 1924.—Approves Dominion Atlantic Railway by-law No. 16 authorizing the General Freight & Passenger Agent to issue tariffs of tolls.

No. 35299, July 8, 1924.—Declares that between June 30 and December 1, 1923, the lawfully published rate on pulpwood, carloads, from Greening, Que., to Cornwall, Ont., was 16 cents per 100 pounds, that the said rate was not restricted to shipments "for manufacturing and reshipment via Canadian

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National Railways," and authorizes the Canadian National Railways to refund to the Meigs Pulpwood Company the excessive amount charged on shipments of pulpwood during the said period.

No. 35314, July 14, 1924.—Authorizes the General Freight & Passenger Agent of the London & Port Stanley Railway to prepare and issue tariffs of tolls for that Company.

No. 35402, August 2, 1924.—Amends by-law No. 3 of the Canadian National Railways, approved by Order No. 33616, by changing the words "tariff bureau" where they occur in said by-law, to read "rate and tariff bureau."

No. 35457, August 7, 1924.—Directs that the charge of the Canadian National Railways for switching carload traffic (ex water or for furtherance by water) to or from the Dominion Atlantic Railway between Halifax yards and Deepwater Terminals, shall be one cent per 100 pounds, subject to minimum weight of line carrier's tariff, but in no case less than \$3 per car on 7th, 8th and 10th class traffic, and \$5 per car on all other traffic; the Dominion Atlantic Railway to absorb not less than one-half of charge; the tariff schedules to give effect to this order to be published and filed to come into force September 8, 1924.

No. 35489, August 23, 1924.—Approves Standard Freight Mileage Tariff C.R.C. No. 16 of the Nipissing Central Railway.

No. 35529, September 8, 1924.—Suspends, pending hearing, Dominion Atlantic Railway Tariff C.R.C. No. 746, with respect to increased rates on apples from Dominion Atlantic Railway stations to Halifax, for export.

General Order No. 407, September 5, 1924.—Directs (1) that foreign railways not owning, controlling or operating lines of railway in Canada shall not be required to file passenger tariffs with the Board (2) that foreign railways owning, controlling or operating lines of railway in Canada shall not be required to file passenger tariffs with the Board specifying fares to be charged between points in the United States through Canada (3) concurrences from intermediate Canadian carriers in passenger tariffs specifying fares to be charged from points in Canada to points in the United States to be filed with the Board.

No. 35571, September 16, 1924.—Approves Standard Passenger Tariff C.R.C. No. 26 of the Nipissing Central Railway.

No. 35581, September 20, 1924.—Rescinds Order No. 34796, dated February 29, 1924, suspending tariff schedules showing cancellation of commodity rates on polish or blacking (shoe or stove) in carloads.

No. 35598, September 29, 1924.—Approves proposed Supplement No. 1 to Express Classification for Canada No. 6.

No. 35608, October 1, 1924.—Suspends, pending hearing, Canadian National, Canadian Pacific and Great Northern Railway rates on rice from Montreal and Vancouver to Western Canadian points.

No. 35623, October 1, 1924.—Suspends, pending hearing, British Columbia Telephone Company's Tariff C.R.C. No. 7 in so far as it provides for change in tolls on the Company's new exchange, known as Point Grey Exchange.

No. 35645, October 9, 1924.—Amends Order No. 35608, with respect to rates on rice, by adding Great Northern Railway Tariff C.R.C. No. 1776 as one of the tariffs suspended pending hearing.

No. 35694, October 21, 1924.—Approves Supplement No. 1 to Standard Freight Mileage Tariff C.R.C. No. 178 of the Glengarry & Stormont Railway.

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No. 35715, October 23, 1924.—With respect to the classification of seat forms or cushions, it is declared that the proper rating upon extra "seat or mattress forms" which did not form part of the chairs or chesterfields in the same car, was that provided for cushions, N.O.S., less-than-carloads, or one and one-half times first class, per item 58, page 76, of the Canadian Freight Classification No. 16.

No. 35735, October 27, 1924.—Directs that the Canadian National Railways charge for switching carload traffic (ex water or for furtherance by water) to or from the Dominion Atlantic Railway between Halifax yards and Deep-water Terminals shall be 1 cent per 100 pounds, but in no case less than \$3 per car on 7th, 8th, and 10th class traffic (as per Canadian Freight Classification) and \$5 per car on all other traffic.

General Order No. 409, November 5, 1924.—Approves Exchange and Toll Line form of agreement No. 650 A, to be entered into between the Bell Telephone Company and any other company, municipality or corporation having authority to construct or operate a telephone system or line.

No. 35778, November 12, 1924.—Authorizes F. Van Ummerson, Agent, New England Freight Association, to publish and file supplements to tariffs C.R.C. No. 23 and C.R.C. No. 29 in lieu of Supplement No. 7 to C.R.C. No. 23 and Supplement No. 2 to C.R.C. No. 29, rejected by the Interstate Commerce Commission, upon one day's notice.

No. 35776, November 12, 1924.—Extends until November 27, 1924, the time for leave to appeal to the Supreme Court of Canada from the Judgment and Order of the Board in *re* Crow's Nest Pass Rates.

No. 35797, November 17, 1924.—Authorizes the Wabash Railway Company to publish and file tariffs or supplements, effective December 1, 1924, establishing export rates from Ontario points to the Atlantic seaboard, on the same basis as published by other railway companies operating in the same territory.

General Order No. 410, November 19, 1924.—Declares that the present requirements of railway companies that freight, in less than carload quantities, weighing 2,000 pounds or over per piece or package, loaded in box cars by owners, shall, when necessary, be blocked, braced, or staked for safe transportation by such owners, is not unreasonable and may be continued.

No. 35829, November 27, 1924.—Approves Supplement No. 2 to Express Classification for Canada No. 6.

No. 35846, December 3, 1924.—Authorizes Ralph Keemle, Vice-President, and Fred Waugh, Traffic Manager, Chatham, Wallaceburg & Lake Erie Railway, to prepare and issue tariffs of tolls to be charged by that company.

No. 35864, December 10, 1924.—Grants leave to the provinces of Manitoba, Saskatchewan, and Alberta, to appeal to the Supreme Court of Canada upon certain questions of law and jurisdiction in *re* Crow's Nest Pass Rates.

No. 35865, December 9, 1924.—Refuses application of the Manitoba Liquor Control Commission, *et al*, complaining of the excessive rate for the carriage of liquor under existing conditions.

No. 35937, December 29, 1924.—Approves Supplement No. 3 to the Express Classification for Canada No. 6.

No. 35938, December 30, 1924.—Suspends, pending hearing, Item 255, Correction No. 14, Canadian Pacific Railway Tariff C.R.C. No. E-4126, and Canadian National Railways, Tariff C.R.C. No. E-821, respecting stop-off arrangements on lumber.

TELEPHONE ORDERS

Order No.	Date	Connecting Company
34621	Jan. 2, 1924.....	G. E. Barker (Arden & Long Lake Telephone System).
34622	Jan. 2, 1924.....	La Compagnie de Telephone de Contrecoeur.
34630	Jan. 4, 1924.....	Pleasant View Telephone Company.
34631	Jan. 4, 1924.....	Sydenham Union Telephone Company.
34632	Jan. 4, 1924.....	Leith & Annan Telephone Company.
34634	Jan. 5, 1924.....	Raoul Champagne (La Compagnie de Telephone de St. Luc).
34635	Jan. 5, 1924.....	The Fifth Line Telephone Company.
34636	Jan. 5, 1924.....	Maple Leaf Telephone Company.
34637	Jan. 5, 1924.....	Ben Allen Telephone Company.
34638	Jan. 5, 1924.....	Woodford Telephone Company.
34647	Jan. 8, 1924.....	La Compagnie de Telephone Nationale.
34666	Jan. 12, 1924.....	Commissioners for the Telephone System of the Municipality of the township of Dungannon.
34667	Jan. 12, 1924.....	Silcote Telephone Company.
34673	Jan. 17, 1924.....	Chippawa Hill Telephone Company.
34675	Jan. 16, 1924.....	La Compagnie de Telephone Ste. Cecile de Whitton.
34679	Jan. 16, 1924.....	La Compagnie de Telephone de Labaie.
34688	Jan. 18, 1924.....	Marsboro Telephone Association.
34689	Jan. 18, 1924.....	Saugeen Rural Telephone Company.
34690	Jan. 18, 1924.....	Centre Road Telephone Company.
34696	Jan. 25, 1924.....	North Renfrew Telephone Company.
34697	Jan. 25, 1924.....	Zion Line Telephone Association.
34698	Jan. 25, 1924.....	Queen's Line Telephone Company.
34699	Jan. 24, 1924.....	La Compagnie de Telephone de Joliette.
34700	Jan. 25, 1924.....	Coulson-Jarratt Telephone Company.
34701	Jan. 25, 1924.....	Muskrat Lake Telephone Company.
34702	Jan. 24, 1924.....	Kerr Line Telephone Company.
34716	Jan. 30, 1924.....	La Compagnie de Telephone de Charlevoix and Saguenay.
34717	Jan. 30, 1924.....	Champlain Point Telephone Company.
34718	Jan. 30, 1924.....	Durham Road Telephone Company.
34723	Jan. 31, 1924.....	Bruce Municipal Telephone System.
34755	Feb. 14, 1924.....	Le Telephone Somerset, Incorporated.
34756	Feb. 15, 1924.....	La Compagnie de Telephone de Sherbrooke Est.
34757	Feb. 14, 1924.....	La Cie de Telephone Grande Riviere de Loup.
34758	Feb. 15, 1924.....	Key Brook Telephone Association.
34759	Feb. 14, 1924.....	La Cie de Telephone Mousseau.
34760	Feb. 15, 1924.....	Kemble & Sarawak Telephone Company.
34764	Feb. 22, 1924.....	La Compagnie de Telephone de Kamouraska.
34765	Feb. 21, 1924.....	Milton Telephone Company.
34766	Feb. 22, 1924.....	Bousfield Telephone Line.
34785	Feb. 27, 1924.....	Huntsville, Lake of Bays and Lake Simcoe Navigation Company.
34786	Feb. 27, 1924.....	La Compagnie de Telephone de Bromptonville.
34793	Feb. 27, 1924.....	Halton Telephone Company.
34806	Mar. 4, 1924.....	Livingstone Rural Telephone Company.
34807	Mar. 4, 1924.....	Robert Henry Edgar Telephone Company.
34814	Mar. 4, 1924.....	Progressive Telephone Company.
34822	Mar. 8, 1924.....	Brougham & Gratton Telephone Company.
34823	Mar. 10, 1924.....	La Compagnie de Telephone Locale de d'Israeli.
34824	Mar. 10, 1924.....	A. C. Beatty (Beatty Telephone System).
34827	Mar. 8, 1924.....	Fourth Line Telephone Association.
34832	Mar. 11, 1924.....	Stroud Telephone Company.
34839	Mar. 18, 1924.....	Norfolk and Tillsonburg Telephone Company.
34841	Mar. 19, 1924.....	Commissioners for the Telephone System of the Municipality of the Township of Flos.
34846	Mar. 19, 1924.....	South Diagonal Telephone Company.
34847	Mar. 19, 1924.....	Rural Telephone Company of Kitley.
34848	Mar. 19, 1924.....	T. Beaudoin (Beaudoin Telephone System).
34849	Mar. 19, 1924.....	Oro Telephone Company.
34850	Mar. 19, 1924.....	Hope Lumber Company's Telephone System.
34851	Mar. 18, 1924.....	Commissioners for the Telephone System of the Municipality of the Township of London.
34852	Mar. 18, 1924.....	Hoath Head and Grey Telephone Company.
34888	April 2, 1924.....	La Compagnie de Telephone de Spring Hill.
34889	April 2, 1924.....	Houghton, Bayham and Tillsonburg Telephone Company.
34890	April 2, 1924.....	La Compagnie de Telephone Rural de Ste. Sabine.
34891	April 2, 1924.....	Derby Telephone Company.
34892	April 2, 1924.....	Blanchard Private Telephone Line.
34893	April 2, 1924.....	Henderson Private Telephone Line.
34894	April 2, 1924.....	Dalesville Mutual Telephone Association.
34895	April 2, 1924.....	North Brock Telephone Company.
34896	April 2, 1924.....	La Compagnie de Telephone de St. Luc.
34900	April 3, 1924.....	Wright and Pontiac Telephone Company.

TELEPHONE ORDERS—Continued

Order No.	Date	Connecting Company
34904	April 3, 1924.....	O. C. Selby (Citizens Telephone Company).
34917	April 10, 1924.....	Belvidere Telephone Syndicate.
34918	April 10, 1924.....	Stoke Telephone Association.
34957	April 23, 1924.....	La Compagnie de Telephone d'Yamaska.
34972	April 28, 1924.....	Brompton Road Telephone Company.
34973	April 28, 1924.....	Biron, Paquette, Faucher & Compagnie.
34982	April 30, 1924.....	Uptergrove Telephone Company.
35014	May 5, 1924.....	Le Reseau de Telephone Shawinigan Valley.
35046	May 8, 1924.....	E. V. Tremblay (Chelmsford Telephone Line).
35053	May 12, 1924.....	Orono Telephone Company.
35081	May 16, 1924.....	Pioneer Telephone Company.
35082	May 16, 1924.....	Springcreek Telephone Company.
35083	May 16, 1924.....	Ingleside Telephone Company.
35084	May 16, 1924.....	Fraser Telephone Company.
35085	May 16, 1924.....	The Riverside Telephone Company.
35086	May 16, 1924.....	Dingwall Telephone Company.
35087	May 16, 1924.....	The Mapleshade Telephone Company.
35088	May 16, 1924.....	Fairview Telephone Company.
35089	May 16, 1924.....	The Peerless Telephone Company.
35090	May 16, 1924.....	Bond's Corners Telephone Company.
35091	May 15, 1924.....	The Scratch & Palmer Telephone System.
35095	May 16, 1924.....	Excelsior Telephone Company.
35116	May 19, 1924.....	La Compagnie de Telephone Rurale de Ste. Angele de Laval.
35117	May 20, 1924.....	Penhurst Telephone Company.
35127	May 26, 1924.....	Balaclava Telephone Company.
35129	May 28, 1924.....	Joseph Dupuis (Private Telephone Line).
35130	May 28, 1924.....	North Bonnechere Telephone Association.
35136	May 28, 1924.....	La Compagnie de Telephone de Stanford.
35161	June 5, 1924.....	Bracebridge and Muskoka Lakes Telephone Company.
35162	June 5, 1924.....	J. E. Seale.
35164	June 5, 1924.....	Commissioners of the Municipality of the Township of Monck.
35168	June 5, 1924.....	La Compagnie de Telephone Local de Ham Nord.
35171	June 4, 1924.....	G. E. Wheeler.
35172	June 5, 1924.....	La Compagnie de Telephone de Notre-Dame de Ham.
35178	June 5, 1924.....	Section Telephone System.
35199	June 12, 1924.....	Jackson Telephone Company.
35200	June 11, 1924.....	Riverview Telephone Company.
35201	June 10, 1924.....	La Compagnie de Telephone de Ham Sud.
35202	June 13, 1924.....	La Compagnie de Telephone de Nicolet.
35204	June 12, 1924.....	La Compagnie de Telephone de Weedon.
35226	June 18, 1924.....	Hogg & Lytle, Limited.
35241	June 21, 1924.....	Glen Eden Telephone Company.
35242	June 21, 1924.....	Goulais Bay Telephone Company.
35244	June 21, 1924.....	La Compagnie de Telephone de Ste. Lucie.
35249	June 24, 1924.....	La Compagnie de Telephone Locale de St. Georges de Windsor.
35263	June 27, 1924.....	Sandwich West Co-Operative Telephone Company.
35269	June 30, 1924.....	White Telephone System.
35270	June 30, 1924.....	Salem Telephone Company.
35273	July 2, 1924.....	Mount Granite Telephone Company.
35274	July 2, 1924.....	Greenwood Telephone Association Limited.
35296	July 7, 1924.....	Leeds and Frontenac Rural Telephone Company.
35300	July 8, 1924.....	Byron Telephone Company.
35301	July 9, 1924.....	Bobcaygeon Rural Telephone Company.
35304	July 9, 1924.....	Pike River Farmers Telephone Association.
35351	July 19, 1924.....	Tarentorus Telephone Company.
35352	July 19, 1924.....	Renfrew and Shamrock Telephone Association.
35357	July 19, 1924.....	Manse Grove Telephone Company.
35362	July 19, 1924.....	East Woodville Telephone Company.
35363	July 21, 1924.....	Marmora Municipal Telephone System.
35366	July 21, 1924.....	Granby Hill Telephone Association.
35367	July 19, 1924.....	Eldon Union Telephone Company.
35368	July 19, 1924.....	Corporation of the Township of Colchester North.
35369	July 19, 1924.....	Bethesda-Mutual Telephone Company.
35378	July 22, 1924.....	Victory Telephone, Limited.
35379	July 22, 1924.....	Balsam Hill Telephone Company.
35380	July 22, 1924.....	Bellevue Telephone Syndicate.
35381	July 22, 1924.....	Goodwood Rural Telephone Company.
35382	July 22, 1924.....	Commissioners for the Telephone System of the Municipality of the Township of Thessalon.
35383	July 23, 1924.....	Commissioners for the Telephone System of the Municipality of the Village of Brussels.
35384	July 23, 1924.....	Fourth Range Telephone Association of Orford.
35388	July 28, 1924.....	McCreary Telephone Company.
35410	Aug. 2, 1924.....	Adelaide Telephone Company.
35412	Aug. 2, 1924.....	Ives Hill Telephone Association.

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TELEPHONE ORDERS—*Concluded*

Order No.	Date	Connecting Company
35413	Aug. 2, 1924.....	Head Lake Telephone Company.
35415	Aug. 5, 1924.....	Doe Lake Telephone Company.
35416	Aug. 2, 1924.....	Commissioners for the Municipality of the Township of St. Vincent.
35417	Aug. 5, 1924.....	North Horton Telephone Association.
35418	Aug. 2, 1924.....	Rumney Settlement Telephone Company.
35419	Aug. 5, 1924.....	Norland Independent Telephone Company.
35420	Aug. 2, 1924.....	Fingal Telephone Company.
35421	Aug. 2, 1924.....	Commissioners for the Telephone System of the Municipality of the Township of Laird.
35422	Aug. 5, 1924.....	La Cie de Telephone de Papineau d'Abbotsford.
35424	Aug. 5, 1924.....	La Compagnie de Telephone de Gentilly.
35480	Aug. 19, 1924.....	Cambray Telephone Company.
35492	Aug. 25, 1924.....	Corporation of the Township of Chisholm.
35494	Aug. 25, 1924.....	Corporation of the Township of Dunnet.
35496	Aug. 23, 1924.....	Nipissing Municipal Telephone System.
35497	Aug. 25, 1924.....	Superior Telephone Club.
35507	Aug. 27, 1924.....	Glenview Rural Telephone Company.
35508	Aug. 27, 1924.....	Second Line Drummond Telephone Company.
35509	Aug. 27, 1924.....	Golden Rule Telephone Company.
35510	Aug. 27, 1924.....	St. Henri de Mascouche Telephone System.
35513	Sept. 2, 1924.....	La Compagnie de Telephone de Lotbiniere et Nicolet.
35522	Sept. 5, 1924.....	The Megantic People's Telephone Company.
35528	Sept. 4, 1924.....	South McNaughton Telephone Company.
35534	Aug. 27, 1924.....	La Compagnie Telephone Rural de Soulanges.
35537	Sept. 2, 1924.....	La Cie de Telephone Villeneuve.
35549	Sept. 13, 1924.....	Commissioners for the Municipality of the Township of Widdifield.
35561	Sept. 13, 1924.....	Muskoka River Telephone Company.
35565	Sept. 16, 1924.....	Le Reseau de Telephone St. Henri de Mascouche.
35567	Sept. 15, 1924.....	Commissioners for the Telephone System of the Municipality of the Township of Dunnet.
35576	Sept. 18, 1924.....	L. Brouillet (Hill Telephone System).
35577	Sept. 17, 1924.....	Brown Corporation.
35604	Sept. 14, 1924.....	Hampshire Telephone Company.
35630	Oct. 7, 1924.....	Commissioners for the Telephone System of the Municipality of the Township of Ennismore.
35655	Oct. 9, 1924.....	La Compagnie de Telephone de St. Charles de Richelieu.
35657	Oct. 10, 1924.....	Dunsford Telephone, Light and Power Co-Operative Association, Limited.
35673	Oct. 17, 1924.....	Sullivan and Elderslie Telephone Company.
35674	Oct. 17, 1924.....	South Elderslie Telephone Company.
35676	Oct. 17, 1924.....	Commissioners for the Telephone System of the Municipality of the Township of Dysart.
35677	Oct. 17, 1924.....	The Innisfil Telephone Company.
35678	Oct. 17, 1924.....	Mooreburg Telephone Company.
35679	Oct. 17, 1924.....	South Brant Rural Telephone Company.
35680	Oct. 17, 1924.....	Marmion Telephone Company.
35692	Oct. 20, 1924.....	Lanark and Carleton Counties Telephone Company.
35695	Oct. 20, 1924.....	Durham Road Telephone Company.
35728	Oct. 28, 1924.....	James Alexander (Alexander Telephone System).
35729	Oct. 28, 1924.....	Lorne Power Company, Limited.
35730	Oct. 28, 1924.....	Brockville Road Rural Telephone Company.
35734	Oct. 28, 1924.....	Mississippi Telephone Company.
35748	Nov. 3, 1924.....	Riordan Pulp Corporation.
35757	Nov. 6, 1924.....	Massey Station Telephone Company.
35758	Nov. 6, 1924.....	Korah Central Telephone Company.
35759	Nov. 6, 1924.....	Korah Base Line Telephone Company.
35760	Nov. 6, 1924.....	Bexley Telephone Company.
35761	Nov. 6, 1924.....	Wahnapitae Power Company.
35762	Nov. 6, 1924.....	The Mono Mills Telephone Company.
35763	Nov. 6, 1924.....	La Compagnie de Telephone de Beauce.
35790	Nov. 13, 1924.....	Rankin Telephone Company.
35792	Nov. 13, 1924.....	East Darlington Telephone Company.
35800	Nov. 18, 1924.....	Bognor Telephone Company.
35812	Nov. 24, 1924.....	Plum Hollow and Eloida Independent Telephone Company.
35813	Nov. 24, 1924.....	Commissioners for the Telephone System of the Municipality of the Township of Doure.
35847	Dec. 4, 1924.....	The Lyons Telephone System.
35848	Dec. 4, 1924.....	The Lavant Dalhousie Telephone Company.
35849	Dec. 4, 1924.....	Victoria Rural Telephone Company.
35853	Dec. 4, 1924.....	Mississauga River Improvement Company.
35861	Dec. 10, 1924.....	Riordon Pulp Corporation, Limited.
35919	Dec. 19, 1924.....	Everett Telephone Company.
35920	Dec. 18, 1924.....	Corporation of the Township of North Gosfield.

APPENDIX "C"

REPORT OF THE CHIEF ENGINEER OF THE BOARD FOR THE YEAR
ENDING DECEMBER 31, 1924.

A. D. CARTWRIGHT ESQ.,
Secretary, Board of Railway Commissioners,
Ottawa, Ont.

SIR.—I have the honour to submit herewith synopsis of my annual report as to the work of the Engineering Department of the Board during the year 1924.

ROUTE MAPS

The Nipissing Central Railway filed and obtained approval of their general route of the Swastika-Wendigo Lake Branch, from mileage 19.5 to 22.5, in the township of McVittie, province of Ontario.

The Canadian Pacific Railway filed and obtained approval of the general route of their Pashley Northeasterly Branch from section 8, township 16, range 1, W. 4. M., to section 3, township 17, range 1, W. 4. M. province of Alberta.

The Canadian Pacific Railway filed and obtained approval of the general route of their Amulet-Dunkirk Branch, from mileage 32.49 to 37.34, province of Saskatchewan.

The Nipissing Central Railway filed and obtained approval of their general route from Wendigo Lake to Larder Lake, in the province of Ontario.

The Canadian Pacific Railway filed and obtained approval of the general route of their Tuffnell-Prince Albert Branch from section 23, township 45, range 15, W. 2. M., to section 7, township 47, range 14, W. 2. M., in the province of Saskatchewan.

LOCATION

Plans have been filed and approved showing the location of a number of branch lines, and connecting lines, which are as follow:—

Canadian Pacific Railway

Leader southeasterly branch from section 9, township 16, range 1, W. 4. M., to section 1, township 16, range 1, W. 4. M. mileage 49.5 to 53.41, in the province of Alberta.

Leader Southeasterly Branch from a point in section 1, township 16, range 1, W. 4. M., at mileage 53.41 to a point in section 13, township 15, range 26, W. 3. M., at mileage 79.79, in the province of Saskatchewan.

Amulet-Dunkirk Branch, from section 33, township 7, range 21, W. 2. M., at mileage 0.00, to section 22, township 9, range 26, W. 2. M., in the province of Saskatchewan.

Kipp Northeasterly Branch from section 20, township 9, range 22, W. 4. M., at mileage 0.00 to section 2, township 12, range 19, W. 4. M., at mileage 28.13, in the province of Alberta.

Pashley Northeasterly Branch from section 2, township 17, range 1, W. 4. M., at mileage 39.17, to section 12, township 17, range 1, W. 4. M., at mileage 40.91, in the province of Alberta.

Lanigan Northeasterly Branch from section 12, township 45, range 19, W. 2. M., at mileage 82.73, to section 7, township 45, range 18, W. 2. M., in the town of Melfort, Saskatchewan.

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Pashley Northeasterly Branch from section 12, township 17, range 1, W. 3. M., at mileage 40.91, to section 25, township 17, range 26, W. 3. M., at mileage 66.94, in the province of Saskatchewan.

Edmonton Dunvegan and British Columbia Railway

Grande Prairie Branch from a point in section 24, township 71, range 6, W. 6. Mer. at mileage 49.43, to a point in section 21, township 71, range 8, W. 6. M., at mileage 65.67, in the province of Alberta.

REVISED LOCATION

Canadian Pacific Railway

Tuffnell-Prince Albert Branch through sections 21, 22, 23, 29 and 32, township 34, range 13, W. 2. M., in the town of Wadena, Sask., mileage 28.3 to 30.6.

Swift Current Branch through sections 25, 26, 35, 34, 27 and 22, township 11, range 27, W. 2. M., province of Saskatchewan.

Tuffnell-Prince Albert Branch from section 24, township 44, range 15, W. 2. M., at mileage 91.55, to section 2, township 45, range 15, W. 2. M., at mileage 95.82, in the province of Saskatchewan.

Bassano Easterly Branch from section 19, township 27, range 20, W. 3. M., to section 18, township 27, range 19, W. 3. M., mileage 191.43 to 197.02, province of Saskatchewan.

Rearrangement of tracks from a point south of Bonaventure street to a point north of St. Maurice street, Montreal, P.Q.

Pashley Northeasterly Branch from section 2, township 17, range 1, W. 4. M., to section 1, township 17, range 1, W. 4. M., in the province of Alberta.

Cutknife-Whitford Lake Branch from section 10, township 45, range 27, W. 3. M., at mileage 39.34, to section 4, township 46, range 27, W. 3. M., at mileage 45.71, in the province of Saskatchewan.

Pashley Northeasterly Branch from section 1, township 45, range 15, W. 2. M., at mileage 40.82, to section 26, township 17, range 26, W. 3. M., at mileage 65.96, in the province of Saskatchewan.

Tuffnell-Prince Albert Branch from section 7, township 50, range 14, W. 2. M., to section 5, township 51, range 14, W. 2. M., mileage 127.36 to 131.92, in the province of Saskatchewan.

Tuffnell-Prince Albert Branch from section 11, township 45, range 15, W. 2. M., to section 7, township 50, range 14, W. 2. M., mileage 95.82 to 127.36, in the province of Saskatchewan.

Canadian National Railway

Miniota Subdivision through sections 34, 35, and 36, township 19, range 32, W. P. M., near Cutarm, Sask.

Grand Trunk Pacific Railway, main line, through townships 52 and 53, range 22, W. 5. M., mileage 31.31 to 34.83, Brule Subdivision, in the province of Alberta.

Hamilton Radial Railway

Revised location between Cannon street and Princess street, Hamilton, Ont.

Toronto Suburban Railway

Revised location from Gunns road easterly through the city of Toronto to Keele street and St. Claire avenue.

Nipissing Central Railway

Swastika-Wendigo Lake Extension from mileage 4.53 to 5.05 in the township of Teck, district of Temiskaming, province of Ontario.

HIGHWAY CROSSINGS

In connection with the above location plans, a large number of highway crossing and highway diversion plans were approved, and a number of crossings of existing railways. In all about six hundred and twenty highway crossings were approved, as follows:—

British Columbia—Sixty.

Alberta—One hundred and forty.

Saskatchewan—Two hundred and thirty.

Manitoba—Forty.

Ontario—One hundred and ten.

Quebec—Forty.

HIGHWAY DIVERSIONS

Diversion of road allowance on the north boundaries of sections 33 and 34, township 11, range 1, E. P. M., Manitoba, on the line of the Canadian Pacific Railway.

Diversion of the east and west road allowance in the vicinity of the station grounds of the Canadian National Railway at Grandview, Man. Twenty-five per cent of the cost contributed from the Grade Crossing Fund.

Diversion of the road allowance on the northern boundary of the northeast quarter of section 35, township 8, range 22, W. 2. M., in the province of Manitoba, on the line of the Canadian Pacific Railway.

Diversion of the road allowance on the western boundary of southwest quarter of section 8, township 14, range 4, W. 3 M., Saskatchewan, on the line of the Canadian Pacific Railway.

Diversion of road allowance in southeast quarter of section 6, township 50, range 14, W. 2 M., province of Saskatchewan, on the line of the Canadian Pacific Railway.

Diversion of road allowance in the east half of section 22, township 27, range 15, W. 2 M., province of Saskatchewan, on the line of the Canadian Pacific Railway.

Diversion of road allowance between sections 28 and 29, township 43, range 9, W. 3 M., province of Saskatchewan, on the line of the Canadian National Railways.

Diversion of the Montreal-Ottawa Highway in the township of Chatham, county of Argenteuil, province of Quebec, to the south side of the Canadian National Railway.

Diversion of road allowance between the northeast quarter of section 1, township 44, range 9, W. 3 M., province of Saskatchewan, on the line of the Canadian National Railway.

Diversion of road allowance on the south boundary of section 18, township 3, range 7, W. P. M., province of Manitoba, at mileage 94, Lariviere subdivision of the Canadian Pacific Railway.

Diversion of road allowance over the Canadian National Railway at mileage 15.08, Massena subdivision, parish of LaPrairie, P.Q.

Diversion of road allowance in sections 9 and 10, township 25, range 5, W. 3 M., on the line of the Canadian National Railway, in the province of Saskatchewan.

Diversion of road allowance on the western boundary of the southwest quarter of section 33, township 17, range 21, W. 4 M., in the province of Alberta, on the line of the Canadian Pacific Railway.

Diversion of road allowance in the northeast quarter of section 8, township 36, range 17, W. 4 M., in the province of Alberta, on the line of the Canadian National Railway.

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Diversion of road allowance in southeast quarter of section 30, township 3, range 13, W. 3 M., in the province of Saskatchewan, on the line of the Canadian Pacific Railway.

Diversion of road allowance on the west boundary of sections 2 and 11, township 34, range 24, W. 2 M., in the province of Saskatchewan, on the line of the Canadian Pacific Railway.

Diversion of road allowance on the south and west boundaries of section 5, township 12, range 27, W. 3 M., province of Saskatchewan, on the line of the Canadian Pacific Railway.

Diversion of road allowance on west boundary of section 18, township 3, range 13, W. 3 M., in the province of Saskatchewan, on the line of the Canadian Pacific Railway.

Diversion of public crossing to the Alberta Stock Yards at East Calgary, Alberta, on the line of the Canadian Pacific Railway.

Diversion of road allowance in the northwest and southwest quarters of section 5, township 19, range 21, W. 4 M., Alberta, on the line of the Canadian Pacific Railway.

Diversion of road allowance on the north boundary of the northwest quarter of section 21, township 11, range 25, W. 4 M., in the province of Alberta, on the line of the Canadian Pacific Railway.

Diversion of the road allowance on the north boundary of the northwest quarter of section 21, township 11, range 20, W. 4 M., province of Alberta, on the line of the Canadian Pacific Railway.

Diversion of the road allowance between sections 13 and 14, township 25, range 6, W. 3 M., province of Saskatchewan, on the line of the Canadian National Railway.

Diversion of the Government Road in the east half of section 31, township 50, range 14, W. 2 M., province of Saskatchewan, on the line of the Canadian Pacific Railway.

RAILWAY CROSSINGS

Grade crossings were authorized at the following points, protected by interlocking plants:—

Crossing of the Canadian National Railway by the Quebec Railway Light Heat and Power Company on Beauport road, Limoilou ward, in the city of Quebec, P.Q.

Crossing of the Canadian National Railway by the Toronto Transportation Commission on Davenport road, in the city of Toronto, Ont.

Crossing of the Swift Current Branch of the Canadian National Railway by the Archive-Wymark Branch of the Canadian Pacific Railway in the southwest quarter of section 4, township 14, range 6, W. 3 M., in the province of Saskatchewan.

Crossing of the Tuffnell-Prince Albert Branch of the Canadian Pacific Railway with the Canadian National Railway at Tisdale, Sask.

Crossing of the Ottawa Electric Railway by the Industrial Spur of the E. B. Eddy Co. on Bridge street, Hull, P.Q.

Crossing of the Canadian Pacific Railway by the Canadian National Railway in lot 285, Cote du Nord de la Cote des Anges, in the parish of St. Augustin, county of Two Mountains, province of Quebec.

Crossing of the Canadian Pacific Railway by the Montreal Tramways on Papineau avenue, in the city of Montreal, P.Q.

PROTECTION ORDERED AT HIGHWAY CROSSINGS

Installation of automatic bell and wigwag at crossing of Bloor street, Toronto, Ont., by the Canadian Pacific Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Improvement of view by removal of obstructions at crossing of Victoria street, township of Stamford, Ontario, by the Canadian National and the Wabash Railways.

Installation of electric plant in lieu of the pneumatic equipment for operation of gates at crossing of Waterloo street, London, Ont., by the Canadian National Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of automatic bell and wigwag signal at highway crossing at Cookshire, Que., by the Canadian Pacific Railway and the Maine Central Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of automatic bell and wigwag signal at first public highway crossing east of Wales Station, Ont., on the line of the Canadian National Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of automatic bell and wigwag signal at crossing of Gore street, Fort William, Ont., by the Canadian National Railway.

Improvement to view at crossing of Kerr street, Oakville, Ont., on the line of the Canadian National Railway by removal of obstructions. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Improvement to view at highway crossing one mile west of Georgetown, Ont., on the line of the Canadian National Railway, by the removal of obstructions. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of automatic electric bell and wigwag signal in lieu of watchmen at crossing of Marmora street, Trenton, Ont., on the line of the Canadian National Railway.

Improvement to view at public highway crossing south of south switch at Manlius, Man., Victoria Beach Subdivision, Canadian National Railway, by removal of obstructions.

Improvement to view at crossing of Burford road by the Toronto, Hamilton and Buffalo Railway and the Canadian National Railway by removal of obstructions. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Improvement to view at highway crossing between concessions 6 and 7, in the township of Georgina, Ont., Bala Subdivision, Canadian National Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Improvement to view at first public highway crossing east of Colborne Station, Ont., on the line of the Canadian National Railway, by removal of obstructions.

Improvement to view by removal of obstructions at public highway crossings quarter of a mile north of Palgrave, Ont., on the line of the Canadian National Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Protection by watchmen at the crossing of Cannon street East, Hamilton, Ont., on the line of the Toronto Hamilton and Buffalo Railway.

Protection by watchmen at the crossing of King street, Hamilton, Ont., on the line of the Toronto, Hamilton and Buffalo Railway.

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Installation of electric bell and wigwag at crossing of Broadway avenue, township of Ancaster, Ontario, on the line of the Toronto, Hamilton and Buffalo Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of electric bell and wigwag at the crossing of Emerson street, township of Ancaster, Ontario, on the line of the Toronto, Hamilton and Buffalo Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of improved type of automatic bell and wigwag at highway crossing immediately south of Dorchester Station, Ont., on the line of the Canadian National Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Improvement to view by removal of obstructions at highway crossing west of Waterford, Ont., on the line of the Michigan Central Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of electric bell at crossing of Zorra street, Beachville, Ont., on the line of the Canadian National Railway.

Improvement of approaches at crossing of highway on the 20th range of St. Ephrem d'Upton, P.Q., on the line of the Canadian National Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of wigwag signal at crossing of Main street, Almonte, Ont., on the line of the Canadian Pacific Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of wigwag signal at crossing of Zorra street, Beachville, Ont., on the line of the Canadian Pacific Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Erection of gates at crossing of Montreuil street, Ford City, Ont., on the line of the Canadian National Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Change in location of highway gates at crossing of St. Maurice street, Three Rivers, P.Q., on the line of the Canadian Pacific Railway.

Removal of electric bell and establishment of sight lines in northwest angle of crossing of Founlry street, Woodstock, N.B., on the line of the Canadian Pacific Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Removal of obstructions to view at highway crossing south of Zephyr Station, township of East Gwillimbury, Ont., on the line of the Canadian National Railway.

Installation of improved type of automatic bell and wigwag signal at crossing known as "La Cote de la Reserve" in the town of Chicoutimi, province of Quebec, on the line of the Canadian National Railway.

Installation of automatic bell and wigwag at crossing of Grandview Highway, at 13th avenue, Vancouver, B.C., on the line of the Vancouver, Victoria and Eastern Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of wigwag signal in addition to the existing electric bell at the crossing of Main street, Almonte, Ont., on the line of the Canadian Pacific Railway.

Installation of wigwag signal in addition to existing electric bell at crossing on lot 294, Talbot road, township of Sandwich South, Ont., on the line of the Michigan Central Railway.

Installation of wigwag signal in addition to existing electric bell at crossing of Merry street, Magog, P.Q., on the Magog-Sherbrooke Subdivision of the Canadian Pacific Railway. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of automatic bell and wigwag signal at crossing of Front street, Trenton, Ont., on the line of the Canadian National Railway.

PROTECTION ORDERED AT RAILWAY CROSSINGS

Installation of full interlocking signals at crossing of Jacques Cartier Union Railway with the Mount Royal Tunnel and Terminal Railway at mileage 5.25 from Montreal Terminals, Montreal, P.Q.

Replacing semaphore signals with light signal at crossing of Suburban Rapid Transit Company's line and the Winnipeg Electric Railway over Canadian National Railway bridge at St. James, Man.

Installation of derail and target signal pipe connected to main line switch at junction of Cartierville Branch with main line of the Canadian National Railway at Lazard, P.Q.

Changes in interlocking plant at crossing of the Canadian National Railway and Port Arthur Electric Railway on Fort William road, at Fort William, Ont.

Changes in interlocking plant at New Westminster bridge to protect switch on spur leading to Canadian National Railway freight facilities at New Westminster, B.C.

Installation of automatic half interlocking plant at crossing of Canadian National Railway with the Edmonton Radial Railway on 107th avenue, Edmonton, Alta.,

Installation of automatic electric half interlocking plant at crossing of Guelph Radial Railway and Canadian Pacific Railway at Woolwich street, Guelph, Ont.

Installation of interlocked home signals and fixed distant signals at crossing of the Huntsville Subdivision, Canadian National Railway and Bala Subdivision, Canadian National Railway at Washago, Ont.

Additions to interlocking plant at Lynden Jct., Ont., on the line of the Canadian National Railway.

Installation of automatic half interlocking plant with electrically operated wigwag signals where the Municipal Street Railway crosses the Canadian National Railway at Avenue H, city of Saskatoon, Sask.

Installation of derails, light signals, and automatic flagmen with locomotive gongs for half interlocking plant at crossing of Suburban Rapid Transit Railway and the Oak Point Branch of the Canadian National Railway on Portage avenue, Winnipeg, Man. Twenty-five per cent of the cost to be paid out of the Grade Crossing Fund.

Installation of half interlocking plant at crossing of the Ottawa Electric Railway by the E. B. Eddy Company's industrial spur on Bridge street, Hull, P.Q.

Installation of diamonds protected by half interlockers in the tracks of the Canadian Pacific Railway at the crossing of the Winnipeg Electric Railway on Sargent street, Winnipeg, Man.

Installation of half interlocking plant at crossing of Jacques Cartier Union Railway by the tracks of the Montreal Tunnel and Terminal Company near Montreal, P.Q., mileage 5.2 Mount Royal Subdivision.

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OPERATION OF INTERLOCKING PLANTS AUTHORIZED

Operation over diamond crossing of Canadian National Railway and Quebec Railway Light Heat and Power Company railway at Beauport road, Limoilou ward, Quebec, P.Q.

Operation over diamond crossing of Canadian National Railway, Humboldt Branch, with the Canadian Pacific Railway, Tuffnell-Prince Albert Branch, in section 21, township 34, range 13, W. 2, M., in the Province of Saskatchewan.

Operation of half interlocking plant at the crossing of the single track of the Port Arthur Electric Railway by the second track of the Canadian National Railway on Fort William Road, in the city of Port Arthur, Ont.

Operation over diamond crossing of the Canadian National Railway with the Canadian Pacific Railway at Pages, Ont.

Operation over diamond crossing of the Swift Current Branch of the Canadian National Railway and the Archive-Wymark Branch of the Canadian Pacific Railway in section 4, township 14, range 8, W. 3 M., in the province of Saskatchewan.

Operation over diamond crossings of the ice house spurs of the Michigan Central Railway just east of Tecumseh road, Windsor, Ont.

Operation over the wye connections of the Canadian National Railway near Lynden Jct., Ont.

CONNECTIONS

Connection between the Montreal and Southern Counties Railway and the Central Vermont Railway at Granby, P.Q.

Connection between the Canadian Northern Alberta Railway and the Grand Trunk Pacific Railway near Solomon, Alta.

Connection and interchange track between the Vancouver Harbour Commission's tracks and the Canadian Pacific Railway just south of Ballantyne pier, Vancouver, B.C.

Connection between the Essex Terminal Railway and the Windsor, Essex and Lake Shore Rapid Railway in the township of Sandwich West, county of Essex, Ontario.

Connection of the Lanigan Northeasterly Branch of the Canadian Pacific Railway with the tracks of the Canadian National Railway in section 7, township 45, range 18, W. 2. M., and in section 12, township 45, range 19, W. 2. M., at Melfort, Saskatchewan.

Connection of the logging railway of the Canadian Puget Sound Lumber and Timber Company with the Esquimault and Nanaimo Railway at mileage 12.4, Lake Cowichan Subdivision, at Charter Siding, Vancouver island.

OPENING FOR TRAFFIC

Opening for traffic connection between mileage 117.11, Boundary Subdivision (G.T.P. Branch Lines) and mileage 67.26, Lampman Subdivision (Canadian Northern Railway); also connection from mileage 115.67, Boundary Subdivision to mileage 67.91 Lampman Subdivision, Canadian National Railway, in the Province of Saskatchewan.

Opening for traffic of branch line of the Canadian Pacific Railway, mileage 4.5 Piles Subdivision, to premises of the St. Maurice Lime Company, in the parish of St. Louis de France, county of Champlain, province of Quebec, a distance of 3.48 miles.

Opening for traffic of newly constructed line of the Oshawa Railway in the town of Oshawa, Ont.

Opening for traffic of the Cowichan Subdivision of the Canadian National Railway, mileage 69.4 to 73.2, Vancouver island.

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Opening for traffic revised location of the main line of the Canadian Pacific Railway between mileage 14 and 17.05, Mountain Subdivision, province of British Columbia.

Opening for traffic revised location of main line of the Canadian Pacific Railway, mileage 14 to 16, Mountain Subdivision, province of British Columbia.

Opening for traffic of the Rosetown Southeasterly Branch of the Canadian Pacific Railway from mileage 0 to 43.15, in the province of Saskatchewan.

Opening for traffic of the Bassano Easterly Branch of the Canadian Pacific Railway from mileage 0 to 61.89 in the province of Saskatchewan.

Opening for traffic of the Archive-Wymark Branch of the Canadian Pacific Railway from mileage 50.1 to 102.9, in the province of Saskatchewan.

Opening for traffic of the Quebec Railway Light Heat and Power Company line of railway between Matsai and Beauport, P.Q., and from a point on the Beauport road at Quebec city limits to Beauport Station, P.Q.

Opening for traffic of the Leader Southeasterly Branch of the Canadian Pacific Railway from mileage 25.31 to 50.24, in the province of Saskatchewan.

Opening for traffic of the Long Lake Cut-Off of the Canadian National Railway between Long Lake and Nakina, in the province of Ontario, a distance of 30.66 miles.

Opening for traffic of the Lanigan Northeasterly Branch of the Canadian Pacific Railway, from Naican, mileage 49.34, to mileage 82.75 at west junction with the Canadian National Railway at Melfort, Sask.

Opening for traffic of the Tuffnell-Prince Albert Branch of the Canadian Pacific Railway from mileage 0 to 93.38, in the province of Saskatchewan.

Opening for traffic of the main line of the Canadian National Railway from Kakabeka Falls to Mokemon, Ont.

Opening for traffic of the Canadian National Railway between mileage 94.79 and 101.68, Sprague Subdivision, province of Ontario.

Opening for traffic of the Archive-Wymark Branch of the Canadian Pacific Railway, mileage 38.68 to 50.1, in the province of Saskatchewan.

Opening for traffic of the Gravelburg Subdivision of the Canadian National Railway, mileage 109 to 119.8, in the province of Saskatchewan.

Opening for traffic of the Cutknife-Whitford Lake Branch of the Canadian Pacific Railway, mileage 0.00 at Cutknife, Sask., to mileage 45.65, at Unwin, Sask.

Opening for traffic of the Swastika-Wendigo Lake Branch of the Nipissing Central Railway between Swastika and Larder Lake, Ont.

Opening for traffic of the main line of the Grand Trunk Pacific Railway (C.N.R.) from Yellowhead Pass, mileage 17.2, Albreda Subdivision, to a point near Rainbow, mileage 35.8, Albreda Subdivision, including connection with Canadian Northern Alberta Railway (C.N.R.) at the east and west ends.

Opening for traffic of the Lanigan Northeasterly Branch of the Canadian Pacific Railway from the west junction with the Canadian National Railway at Melfort, Sask., at mileage 82.78, to the end of steel at mileage 83.56.

Opening for traffic of the Peebles Southerly Branch of the Canadian National Railway from mileage 0.00 to 22.4, also the west leg of the wye at the connection with its Glenavon Subdivision

Opening for traffic of the Tuffnell-Prince Albert Branch of the Canadian Pacific Railway from mileage 95.38 to 131.1, in the province of Saskatchewan.

Opening for traffic of the Montreal and Southern Counties Railway from Main street, Granby, P.Q., to a connection with the Central Vermont Railway in the town of Granby, P.Q.

Opening for traffic of the Grand Prairie Branch of the Edmonton, Dunvegan and British Columbia Railway from mileage 50.19 to 65.42, in the province of Alberta.

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Opening for traffic of the Donnacona Cut-off, mileage 15.9, La Tuque Subdivision, to mileage 31 of the Grand Mere Subdivision of the Canadian National Railway, in the province of Quebec.

Opening for traffic of the Grand River Railway from a point east of the Speed river to a point adjacent to Preston Station on the Galt Branch, and from a point east of the Speed river to a point at the bridge over Spring creek, on the Hespeler branch.

BRIDGES

Authority was granted for the construction or reconstruction of seventy-two bridges throughout the country, and during the year thirty new bridges were inspected by the Board's engineers, for which authority was granted for operation.

INDUSTRIAL SPURS

Authority was granted for the construction of one hundred and four industrial spurs, varying in length from a few hundred feet to six miles.

TELEPHONE AGREEMENTS

The Board's Electrical Engineer has checked over and passed on two hundred and eighty-seven agreements, covering connections between rural telephone companies and the Bell Telephone Company.

SUBWAYS

Pedestrian subway at Woodfield road, Toronto, Ont., under the Canadian National Railway.

Pedestrian subway under the Canadian National Railway at Green avenue, city of Montreal, P.Q.

Opening for traffic of subway under the Canadian Pacific Railway at public road known as Juliens Crossing one-half mile east of Pont Rouge Station, P.Q.

Pedestrian subway under the tracks of the Canadian National Railway at Shearer street, Montreal, P.Q.

Approval of subways to be constructed at Osler avenue, Symington street, Lansdowne avenue, Dufferin street and Bartlett avenue, in the city of Toronto, Ont., on the line of the Canadian Pacific Railway.

Approval of subways to be constructed at Bloor street, Royce avenue, Davenport road and St. Claire avenue under the Canadian National Railway in the city of Toronto, Ont.

Approval of subways under the double track of the Galt Subdivision and the Toronto, Grey and Bruce Subdivision of the Canadian Pacific Railway, and the Brampton Subdivision of the Canadian National Railway on Bloor street, Toronto, Ont.

Approval of subway under the tracks of the Canadian Pacific Railway at mileage 95+1705, west of Kamloops, B.C.

Approval of subway under the tracks of the Canadian Pacific Railway at mileage 86+4446.1, west of Kamloops, B.C.

Approval of subway under tracks of the Newmarket Subdivision of the Canadian National Railway on Hillary avenue, township of York, in the province of Ontario.

Approval of subway under tracks of the Canadian National Railway at 101st street, city of Edmonton, Alta.

Approval of subway under the tracks of the Canadian National Railway at Prince Arthur street, St. Lambert, P.Q.

TUNNELS

Approval of mining tunnel under the tracks of the Canadian Pacific Railway at Kanaka, B.C.

Approval of three mining tunnels under the Edmonton, Dunvegan and British Columbia Railway in the northeast quarter of section 8, township 55, range 24, W. 4 M., in the province of Alberta, for the Sturgeon Valley Collieries Limited.

Approval of two mine entries underneath the tracks of the Edmonton, Dunvegan and British Columbia Railway in the southeast quarter of section 8, township 55, range 24, W. 4 M., at mileage 13.03, in the province of Alberta.

DRAINAGE

Approval of drains Nos. 1, 2 and 7 in the township of East Luther, Ont., across the right of way of the Canadian Pacific Railway.

Approval of drainage through subway on Jane street, Toronto, Ont., on the line of the Canadian Pacific Railway.

Approval of drainage under the tracks of the Canadian National Railway between lots 17 and 18, concession 5, township of Elma, Ont.

Approval of work to be done on municipal drain No. 18 in lot 12, concession 8, township of Minton, Ont., on the line of the Canadian National Railway.

Approval of work on drains Nos. 1 and 3 under the Canadian Pacific Railway at mileage 38.4, Teeswater Branch, in the province of Ontario.

Approval of work on the Healy ditch under the tracks of the Canadian National Railway in lot 15, concession 1, township of Clinton, Ont.

STANDARDS

The following standard plans have been approved by the Board:—

Canadian National Railway—Standard culvert plans.

Canadian National Railway—Standard timber bridge decks.

Canadian National Railway—Standard reinforced concrete slabs.

Canadian National Railway—Standard reinforced concrete cattle pens.

Canadian National Railway—Standard timber trestles.

EXPROPRIATIONS OF LAND

Expropriation of part of the northeast quarter of section 15, township 29, range 23, W. 4 M., for wye facilities of the Canadian Pacific Railway.

Expropriation of private lands at Ignace, Ont., for station facilities of the Canadian Pacific Railway.

Expropriation of a parcel of land being part of lots 542 and 543, township of Granby, county of Shefford, province of Quebec, for purpose of connection between the Montreal and Southern Counties Railway and the Central Vermont Railway at Granby, P.Q.

Expropriation of lands in the village of Westport, Ont., for the purpose of construction of wye tracks for the Canadian National Railway.

MISCELLANEOUS

Approval of automatic block signalling on the Montmorency Subdivision of the Quebec Railway Light Heat and Power Line.

Approval of dyke across right of way of the Vancouver Victoria and Eastern Railway in lot 51, group 2, New Westminster District, B.C.

Approval of rearrangement of tracks on Galt Branch of the Canadian Pacific Railway near Preston Station, Ont., and Hespeler Branch, Canadian Pacific Railway, at Spring Creek, Ont.

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Approval of changes in signals in connection with operation of swing bridges over the Trent Valley canal at Hastings and Peterborough, Ont.

Approval of proposed pier at Vancouver, B.C., for railway facilities of the Canadian Pacific Railway.

Approval of viaduct over Big Cutarm creek, in section 35, township 19, range 32, W. 1 M., at mileage 232.8, Miniota Subdivision, Canadian National Railway.

The Boards' Engineers have made a great many inspections in connection with exemption from fencing of right of ways of the different railways, particularly in the case of the western lines of the Canadian National and the Canadian Pacific Railways.

Also a considerable number of cases of reduced clearances of structures at railway sidings have been passed upon by the Board's Engineers.

In addition to the above many other matters have been dealt with, such as inspection of railways out of repair, investigation of accidents, removal of speed limitations, cattle passes, wire crossings, inductive interference, etc.

APPENDIX "D"

REPORT OF THE CHIEF OPERATING OFFICER OF THE BOARD FOR
THE YEAR ENDING DECEMBER 31, 1924

A. D. CARTWRIGHT, Esq.,
Secretary, B.R.C.,
Building.

DEAR SIR,—In compliance with section 31 of the Railway Act of 1919, the annual report of the Chief Operating Officer covering the work of the Operating Department during the fiscal year ending December 31, 1924, is respectfully submitted.

REPORTING AND INVESTIGATING ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS
OF LIFE

During the year there were 2,834 accidents reported to the Board by the various railway companies subject to its jurisdiction, involving 3,572 casualties, of which number 318 persons were killed and 3,254 persons injured. For particulars see statements Nos. 1, 3 and 4.

The comparative statements Nos. 2, 5 and 6 of killed and injured show an increase of 23 persons killed and a decrease of 343 injured.

Out of the total of 2,834 accidents so reported, 1,550 were investigated, covering 237 persons killed and 1,868 injured. Detailed statements Nos. 7, 8, 9 and 10 set out the investigations made in connection with collisions, derailments, highway crossing accidents, and accidents to employees while working on or under engines. These four statements show a total of 488 investigations, covering 109 persons killed and 764 injured. The remainder of 1,062 investigations cover 128 persons killed and 764 injured, and are spread over accidents covered by the various headings referred to in statements Nos. 3, 4 and 5.

It will be observed that out of a total of 2,834 accidents and 3,572 casualties during the fiscal year, there were 84 trespassers killed and 109 injured. In this connection reference is made to statement No. 16 showing by railways, and provinces, the number of killed and injured.

The matter of highway crossing accidents, protection provided, etc., is dealt with in detail statements Nos. 3, 4, 5, 9, 11, 12, 13, 14, and 15.

INSPECTION OF SAFETY APPLIANCES—CAR EQUIPMENT

The work coming within this category is largely carried on under the provisions of section 298 of the Railway Act and General Order 102; a reprint of the latter having been made during the fiscal year ending December 31, 1923, embodying all the amendments to date. The work performed by the department in this connection will be found in detail statements Nos. 19, 20, 21A and 21B. The inspection of 102,137 cars, it will be readily understood, entails considerable time and labour, both on the ground and in the office at headquarters where the work of recording, checking and filing of the numerous reports is carried on, and subsequent correspondence with the railway companies with a view to having the defects so reported, remedied as promptly as possible.

The inspection of 102,137 cars above referred to revealed 3,824 defective cars (3.74 per cent) with defects totalling 4,167.

INSPECTION OF MOTIVE POWER

This division of the work is carried on under sections 298, 299, 300 and 301 of the Act, and the Board's General Orders Nos. 12, 31, 66, 78, 102, 131, 181, 199, 226, 289, 293, 362, 379, 385, 389 and 394. A total of 14,191 locomotives were inspected during the fiscal year, the total number of defective engines being 589 (4 per cent) with defects numbering 778. For details see statement No. 22.

Under General Order No. 78, the so-called "Locomotive Boiler Inspection Order" approximately 69,000 report forms of monthly and annual inspections were filed with the department during the year.

STATIONARY BOILERS

Under General Order No. 330, the so-called "Stationary Boiler Inspection Order," approximately 20,000 report forms of semi-annual and annual inspections were filed with this department during the year. The checking and recording of the above mentioned forms and reports, together with the necessary correspondence in connection therewith, naturally creates an extensive line of work.

INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

APPLICATIONS AND COMPLAINTS *re* TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS, CAR SUPPLY, ETC.

The work under this heading covers a wide range of subjects, and entails, in many instances, a considerable amount of enquiry and research. During the year complaints and applications numbering in the neighbourhood of 1,486 were enquired into and reported upon.

In conclusion it might be stated that in order to accomplish the work briefly outlined in the foregoing, it has necessitated the travelling of 352,341 miles by the staff of this department.

SESSIONAL PAPER No. 33

No. 1.—STATEMENT showing number of passengers, employees, and others, killed and injured on the various railways in Canada, under the Board's jurisdiction, for year ending December 31, 1924.

Name of Railway	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Canadian National Railways.....	3	205	54	1,461	101	231	158	1,897
Canadian Pacific Railway.....	14	135	44	814	62	175	120	1,124
British Columbia Electric.....					1		1	
Dominion Atlantic Railway.....				4		1		5
Hull Electric Railway.....		3		1				4
Essex Terminal Railway.....					1		1	
Central Vermont Railway.....				1				1
Napierville Junction Railway.....				6				6
Algoma Eastern Railway.....		11	2	7			2	18
Windsor, Essex and Lake Shore...					1	10	1	10
Maine Central Railway.....						1		1
Grand River Railway.....					1	3	1	3
Esquimalt and Nanaimo Railway...						3		3
Brantford and Hamilton Electric...		1				2		3
Quebec Central Railway.....			2	2	3		5	2
Lake Erie and Northern Railway...		1			3	7	3	8
Montreal and Southern Counties Railway.....		1				2		3
Edmonton, Dunvegan and B.C. Railway.....						1		1
British Columbia and Yukon Rail- way.....				1				1
Pere Marquette Railway.....			1	3	2	6	3	9
Midland Railway.....		1		1				2
Hamilton Radial Electric Rail- way.....		6		2		4		12
Quebec, Montreal and Southern Railway.....		13		12	1		1	25
Toronto, Hamilton and Buffalo Railway.....		2	1	10	1	3	2	15
Algoma Central and Hudson Bay Railway.....			1	3		1	1	4
London and Port Stanley Railway...						9		9
Kettle Valley Railway.....		1	1	15	1	1	2	17
Great Northern Railway.....				3	1	2	1	5
New York Central Railway.....		5		6	1	1	1	12
Northern Pacific Railway.....				1				1
Michigan Central Railway.....			1	45	14	8	15	53
	17	385	107	2,398	194	471	318	3,254

No. 2.—COMPARATIVE STATEMENT of killed and injured between year ending December 31, 1923, and year ending December 31, 1924.

	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
1923.....	15	558	122	2,542	158	497	295	3,597
1924.....	17	385	107	2,398	194	471	318	3,254
Increase.....	2				36		23	
Decrease.....		173	15	144		26		343

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No. 3—STATEMENT showing separately the number of passengers, employees and others, killed and injured, and the nature of the accidents, for year ending December 31, 1924.

Character of Accidents	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Derailment.....		86	13	116		1	13	203
Collision head-on.....		14	5	18			5	32
Collision rear-end.....		5	1	30			1	35
Collision in yard.....		29	2	38		1	2	68
Collision with cars standing foul.....				2				2
Collision with cars account open switch.....				1				1
Collision at level (diamond) crossing.....						1		1
Public highway crossing protected by gates.....				1	11	14	11	15
Public highway crossing protected by bell.....					10	47	10	47
Public highway crossing protected by watchman.....						5		5
Public highway crossing unprotected.....				5	73	215	73	220
Private crossing.....					13	40	13	40
Trespassing.....			1	1	83	108	84	109
Working on or under engine.....			2	340			2	340
Miscellaneous.....	9	182	3	664	2	12	14	858
Adjusting couplers, coupling and uncoupling.....			3	94			3	94
Run down by engine or car between stations.....		1	13	12		2	13	15
Falling off hand car, motor or velocipede.....			5	205			5	205
Hand car, motor, velocipede, struck by train.....			0	27			0	27
Crawling under cars.....								
Crawling between cars over couplers.....				11				11
Passing between cars, between couplers.....			1	8			1	8
Struck by car standing foul.....				18				18
Struck by switch stand, water spout, mail crane, etc.....				26				26
Crushed between cars, building, lumber pile, platforms, etc.....				15				15
Explosion of locomotive boiler.....				12				12
Falling off passenger train.....	5	18		4			5	22
Falling off tender while handling coal.....				3				3
Falling off tender while taking water.....				8				8
Industrial.....								
Riding on pilot or foot board of engine.....			1	57			1	57
Overhead obstruction.....				6				6
Repairing cars on repair track when moved.....				3				3
Falling off top of cars.....			8	40			8	40
Falling between cars.....			5	6			5	6
Application of air brake.....		4		151		5		160
Jumping off train in motion.....	2	27	2	65		8	4	100
Attempt to board train in motion.....		12	3	48		5	3	65
Washout.....		3		20				23
Bridge give way or destroyed by fire.....		3			1	1	1	4
Electrocuted.....								
Run down by engine or cars at stations or in yards.....	1	1	28	55	1	3	30	59
Passing too close around end of string of cars.....				1				1
Caught in frog, guard rail, or switch rod.....				2				2
Caught by engine or car while throwing switch.....				6				6

SESSIONAL PAPER No. 33

No. 3.—STATEMENT showing separately the number of passengers, employees and others, killed and injured, and the nature of the accidents, for year ending December 31, 1924.—*Concluded.*

Character of Accidents	Passengers		Employees		Others		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Falling off side and end ladders of cars.....			2	56			2	56
Falling off car while working hand brake.....				101				101
Asphyxiated in tunnel.....								
Handling freight and baggage.....				20		2		22
Loading and unloading O.C.S. material.....			2	59		1	2	60
Staking or poling cars.....				2				2
Working in coal chute.....				1				1
Cars moved while being loaded or unloaded.....				4				4
Drawbridge open.....								
Carman working on or under cars on running track when moved.....			1	3			1	3
Chaining and unchaining cars.....				3				3
Coupling and uncoupling hose and turning angle cock.....				30				30
	17	385	107	2,398	194	471	318	3,254

No. 5.—COMPARATIVE STATEMENT in totals of killed and injured by class of accident between year ending December 31, 1923, and year ending December 31, 1924.

Character of Accidents	1923		1924		Increase		Decrease	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	10	381	13	203	3			178
Collision head on.....	6	48	5	32			1	16
Collision rear end.....	6	87	1	35			5	52
Collision in yard.....	5	48	2	68		20	3	
Collision with cars standing foul.....	1	2		2			1	
Collision with cars account open switch.....		7		1				6
Collision at level (diamond) crossing.....	2	20		1			2	19
Public highway crossing protected by gates.....	2	20	11	15	9			5
Public highway crossing protected by bell.....	13	43	10	47		4	3	
Public highway crossing protected by watchman....	1	8		5			1	3
Public highway crossing unprotected.....	48	255	73	220	25			35
Private crossing.....	8	20	13	40	5	20		
Trespassing.....	76	98	84	109	8	11		
Working on or under engine.....	1	386	2	340	1			46
Miscellaneous.....	10	1,001	14	858	4			143
Adjusting couplers, coupling and uncoupling.....	7	107	3	94			4	13
Run down by engine or car between stations.....	9	8	13	15	4	7		
Falling off hand car, motor or velocipede.....	6	167	5	205		38	1	
Hand car, motor, velocipede struck by train.....	5	38	6	27	1			11
Crawling under cars.....								
Crawling between cars over couplers.....		8		11		3		
Passing between cars between couplers.....	3	8	1	8			2	
Struck by cars standing foul.....	1	13		18		5	1	
Struck by switch stand, water spout, mail crane, etc.....	1	32		26			1	6
Crushed between cars, building lumber pile plat- forms, etc.....		14		15		1		
Explosion of locomotive boiler.....	2	4		12		8	2	
Falling off passenger train.....	5	16	5	22		6		
Falling off tender while handling coal.....		3		3				
Falling off tender while taking water.....		14		8				6
Industrial.....								
Riding on pilot or foot board of engine.....	1	49	1	57		8		
Overhead obstruction.....				6		6		
Repairing cars on repair track when moved.....	1	3		3			1	
Falling off top of car.....	2	84	8	40	6			44
Falling between cars.....	2	11	5	6	3			5
Application of air brake.....	2	155		160		5	2	
Jumping off train in motion.....	7	90	4	100		10	3	
Attempt to board train in motion.....	5	63	3	65		2	2	
Washout.....				23		23		
Bridge gave way or destroyed by fire.....	1	1	1	4		3		
Electrocuted.....								
Run down by engine or cars at stations or in yards.	42	79	30	59			12	20
Passing too close around end of string of cars.....				1		1		
Caught in frog, guard rail or switch rod.....				2		2		
Caught by engine or car while throwing switch....		4		6		2		
Falling off side and end ladders of cars.....	1	48	2	56	1	8		
Falling off car while working hand brake.....	1	75		101		26	1	
Asphyxiated in tunnel.....		2						2
Handling freight and baggage.....		18		22		4		
Loading and unloading O.C.S. material.....	1	23	2	60	1	37		
Staking or poling cars.....		6		2				4
Working in coal chute.....		1		1				
Cars moved while being loaded or unloaded.....		2		4		2		
Drawbridge open.....								
Carmen working on or under cars on running track when moved.....		1	1	3	1	2		
Chaining and unchaining cars.....		1		3		2		
Coupling and uncoupling hose and turning angle cock	1	25		30		5	1	
	295	3,597	318	3,254	72	271	49	614

	K.	I.
1923.....	295	3,597
1924.....	318	3,254
Increase.....	23	
Decrease.....		343

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No. 6.—COMPARATIVE STATEMENT in totals of killed and injured between year ending December 31, 1923, and year ending December 31, 1924.

	1923		1924		Increase		Decrease	
	K.	I.	K.	I.	K.	I.	K.	I.
Canadian National.....	152	1,969	158	1,897	6			72
Canadian Pacific.....	100	1,393	120	1,124	20			269
Lake Erie & Northern.....	2	6	3	8	1	2		
Midland.....		2		2				
Brantford & Hamilton Electric.....		1		3		2		
Toronto Suburban.....	2						2	
Windsor, Essex & Lake Shore.....	1	22	1	10				12
Montreal & Southern Counties.....	1	4		3			1	1
Toronto, Hamilton & Buffalo.....	2	9	2	15		6		
Rutland.....		1						1
Hamilton Radial.....	1	3		12		9	1	
Niagara, St. Catharines & Toronto.....		5						5
Dominion Atlantic.....	1	1		5		4	1	
Edmonton, Dunvegan & British Columbia.....	2			1		1	2	
Central Vermont.....		15		1				14
Kettle Valley.....		8	2	17	2	9		
Algoma Eastern.....		1	2	18	2	17		
Algoma Central & Hudson Bay.....	2	9	1	4			1	5
British Columbia Electric.....		1	1		1			1
Quebec Central.....	4	5	5	2	1			3
Maritime Coal, Railway & Power Co.....	1	1					1	1
Esquimalt & Nanaimo.....	1	15		3			1	12
Hull Electric.....	1	4		4			1	
Grand River.....	1	1	1	3		2		
Quebec, Montreal & Southern.....	1	7	1	25		18		
Quebec Railway, Light & Power Co.....	2	5					2	5
Pere Marquette.....	2	11	3	9	1			2
London & Port Stanley.....		2		9		7		
Michigan Central.....	8	50	15	53	7	3		
New York Central.....	4	12	1	12			3	
Maine Central.....		2		1				1
Great Northern.....	3	32	1	5			2	27
Temiscouata.....	1						1	
Napierville Junction.....				6		6		
Essex Terminal.....			1		1			
British Columbia & Yukon.....				1		1		
Northern Pacific.....				1		1		
	295	3,597	318	3,254	42	88	19	431

	K.	I.
1923.....	295	3,597
1924.....	318	3,254
Increase.....	23	
Decrease.....		343

No. 7.—STATEMENT showing collisions attended by personal injury investigated during the year ending December 31, 1924.

Inv. File	Date	Railway	Place	Kil- led	In- jured
14033	Dec. 22....	C.N.R.....	Drumheller, Alta.....		1
14035	Dec. 5....	C.P.R.....	Glacier Yard, B.C.....		1
14049	Dec. 27....	C.N.R.....	Midway, Ont.....	1	1
14066	Dec. 27....	C.P.R.....	Winnipeg Terminals, Man.....		1
14079	Jan. 11....	C.N.R.....	Belleville, south, Ont.....		1
14084	Jan. 2....	C.P.R.....	Fort William Terminals, Ont.....		1
14103	Dec. 30....	C.P.R.....	Canmore, Laggan Sub., Alta.....		1
14120	Jan. 2....	C.N.R.....	Sackville, N.B.....		2
14130	Dec. 17....	C.N.R.....	Ena, west switch, Ont.....	1	2
14189	Jan. 6....	C.N.R.....	Favel, Quibell Sub., Ont.....		2
14191	Jan. 21....	C.N.R.....	Clinton, Ont.....		3
14194	Jan. 25....	C.N.R.....	Blackstone, Mileage 135, Ont.....	1	1
14221	Jan. 27....	C.N.R.....	Marievalle, Que.....		3
14245	Jan. 12....	C.P.R.....	Kerrobert, Sask.....		1
14251	Jan. 29....	C.P.R.....	White River Yard, Ont.....		1
14260	Jan. 12....	C.N.R.....	Rivers, Man.....		1

No. 7.—STATEMENT showing collisions attended by personal injury investigated during the year ending December 31, 1924.—*Concluded*

Inv. File	Date	Railway	Place	Killed	Injured
14275	Feb. 20	C.P.R.	Montreal, Terminals, Westmount, Que.		6
14284	Feb. 2	C.N.R.	Welland Junction, Ont.		2
14298	Feb. 15	C.N.R.	Winnipeg Terminals, Fort Rouge, Man.		1
14317	Feb. 21	C.N.R.	Belleville Yard, Ont.		5
14368	Mar. 3	C.N.R.	Stratford, 3 miles west, Ont.		13
14376	Feb. 28	C.N.R.	London East, Sandpit, Ont.		2
14381	Feb. 19	C.N.R.	Edmonton, Calder Yard, Alta.		1
14420	Mar. 18	C.N.R.	Clair, M.P., 376 Margo, Sub., Sask.		2
14433	April 4	C.P.R.	Foster Station, Mileage 2·6 east, Que.		8
14446	Mar. 7	C.P.R.	Kneehill, Langdon Sub., Alta.		2
14448	Feb. 27	C.N.R.	Mallorytown, Ont.	4	
14459	April 10	C.N.R.	Sudbury Junction, Ont.		3
14486	Feb. 29	C.P.R.	West Shefford, Que.		1
14513	April 22	C.N.R.	Rainy River, Sprague Sub., Ont.		2
14532	April 21	C.P.R.	Guelph Junction, Ont.		1
14540	May 11	C.N.R.	Solomon, Brule Sub., Alta.		1
14610	May 16	C.N.R.	Alcott, Mileage 133, Ont.		2
14626	May 4	C.P.R.	Windsor Yard, Ont.		1
14680	April 29	C.N.R.	McIntosh, Ont.		3
14741	June 26	C.N.R.	Paddington, cutoff, Man.		2
14871	July 21	A.E.R.	Birch Island, 4 poles west, Mileage 77, Ont.	2	18
14881	July 23	H.R.E.	Hamilton, King and Tisdale Streets, Ont.		1
14887	July 20	C.N.R.	Mimico Yard, Ont.		1
14927	June 13	C.N.R.	Middle Sackville, N.B.		2
14932	July 27	C.N.R.	Margo Sub., Mileage 355·3, Sask.		2
14936	July 8	C.N.R.	Quibell Sub., Mileage 122, Ont.		1
14937	Aug. 2	C.N.R.	Fort Frances Sub., Mileage 85, Ont.		1
14969	Aug. 5	Q.M. & S.	Sorel, Que.		15
14981	July 13	C.N.R.	Key Harbor Sub., Ont.		1
15004	Aug. 9	C.N.R.	Vaudreuil, Que.		1
15061	Aug. 8	C.N.R.	Metabetchouan, Que.		1
15079	Aug. 27	C.N.R.	Transcona, Man.		1
15097	Aug. 7	C.P.R.	Eau Claire, Ont.		2
15138	Sept. 13	C.N.R.	Belleville Yard, Ont.		1
15171	Sept. 19	C.N.R.	Mimico, north yard, Ont.		2
15282	Oct. 23	H.E.R.	Deschenes, Que.		4
15411	Oct. 29	C.P.R.	Kamloops Yard, B.C.	1	
15423	Oct. 13	C.N.R.	Edmonton, coach yard, Alta.		1
15472	Dec. 3	C.P.R.	Joliette, St. Gabriel Sub., Que.		4
15480	Nov. 16	C.N.R.	Montreal, Turcot yard, Que.		1
15486	Nov. 28	C.N.R.	Port Colborne, Ont.	1	
14963	Aug. 5	C.N.R.	Windsor yard, Ont.		2
15204	Aug. 1	C.N.R.	Croydon, mileage 39·5, B.C.	1	
15510	Nov. 5	C.P.R.	Burnside, Man.		2
15521	Nov. 26	C.P.R.	Red Deer Subd., Mileage 2, Alta.		2
15526	Dec. 6	C.N.R.	West Fort Yard, Ont.		2
15528	Nov. 27	C.N.R.	Lakehead Terminals, Neebing Ave., Ont.		2
				12	151

No. 8.—STATEMENT showing derailments attended by personal injury investigated during the year ending December 31, 1924.

O.D. File	Date	Railway	Place	Killed	Injured
Inv. 14017	Nov. 23	C.N.R.	Dominion Coal Co., Windmill Point, Montreal, Que.		1
" 14015	Dec. 24	C.N.R.	1½ miles south Haliburton, Ont.		21
" 14030	Dec. 27	C.N.R.	M.P. 198 Miniota Sub., Lazare, Man.		3
" 14041	Dec. 11	T.H. & B.	Brantford, Ont.		1
" 14073	Dec. 10	C.N.R.	Tallman, Sask.		2
" 14105	Jan. 8	C.N.R.	Tenth Range, M.P. 105·7 Drummondville Sub., Que.		1
" 14118	Jan. 1	C.N.R.	St. James, Winnipeg Terminals, Man.		1
" 14124	Jan. 8	C.N.R.	Equity, Alta.		3
" 14125	Dec. 15	C.N.R.	Rockyford, Alta.		1
" 14137	Jan. 22	C.N.R.	Porloch, Ont.		2
" 14147	Jan. 25	C.N.R.	M.P. 135·4 Oba Sub., Ont.		1
" 14218	Jan. 28	C.N.R.	M.P. 370 Drumheller Sub., Lyalta, Alta.		20

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No. 8.—STATEMENT showing derailments attended by personal injury investigated during the year ending December 31, 1924.—*Concluded.*

O.D. File	Date	Railway	Place	Killed	Injured
In 14224	Jan. 20	M.C.R.	Windsor Yard, Ont.		1
" 14226	Feb. 12	C.P.R.	M.P. 106, Thompson Sub., B.C.		3
" 14244	Feb. 15	C.N.R.	M.P. 115, Bucke Sub., Smith, Ont.		10
" 14274	Feb. 25	C.N.R.	M.P. 52.6 Ashcroft, B.C.	1	1
" 14290	Jan. 17	C.N.R.	Ste. Romuald, Que.		1
" 14308	Jan. 26	Q.M.&S.	Fleury Siding, Que.		1
" 14316	Feb. 23	C.N.R.	Mimico Yard, Ont.	3	
" 14318	Feb. 23	C.N.R.	1 mile west Franklin, Ont.		2
" 14319	Jan. 27	C.N.R.	M.P. 32.2 Haynes, Alta.		1
" 14339	Feb. 21	C.N.R.	M.P. 86, Orono Sub., Ont.		2
" 14342	Feb. 21	C.N.R.	North Yard, No. 9 siding, Mimico, Ont.	1	
" 14364	Mar. 15	C.N.R.	Port Colborne, Ont.		2
" 14378	Mar. 19	A.C. & H. B.	M.P. 73, Ont.		1
" 14398	Feb. 25	C.N.R.	Ethel Yard, Ont.		1
" 14437	Apr. 5	C.N.R.	16 poles east M.P. 110, Armstrong, Ont.	1	1
" 14476	Mar. 27	C.N.R.	M.P. 30, Sunstrum, Ont.		1
" 14479	Apr. 19	C.P.R.	M.P. 28, Lacombe Sub., Alta.		4
" 14504	Apr. 24	C.P.R.	Renfrew Yard, Ont.		1
" 14507	Apr. 26	C.N.R.	Meeting Creek, Alta.		1
" 14508	Apr. 26	C.N.R.	Mileage 581, Highgate, Sask.	2	
" 14546	Mar. 2	C.N.R.	M.P. 60.5 Deerhome, B.C.		6
" 14602	Apr. 23	C.N.R.	M.P. 45, Minaki Sub., Ophir, Man.		1
" 14622	May 6	C.N.R.	M.P. 104, Stackpool, Ont.		1
" 14638	May 22	C.P.R.	Calgary Terminals, Alta.		1
" 14645	May 26	C.P.R.	Ignace Sub., Margach, Ont.		1
" 14672	June 12	C.N.R.	2½ miles west Cambray, Ont.		8
" 14701	June 24	C.P.R.	Mileage 82, Maple Creek Sub., Sask.		2
" 14725	June 26	G.N.R.	Fernie, B.C.		1
" 14830	Jul. 16	C.N.R.	Mokomon, Ont.		1
" 14843	Jul. 13	C.P.R.	Mileage 104, Broadview Sub., Sask.		22
" 14851	June 12	C.N.R.	Mileage 256.1, Kendal, Sask.		1
" 14869	Aug. 2	C.N.R.	Just west of semaphore, New Hamburg, Ont.		5
" 14895	July 14	C.N.R.	Lower Eastbound lead, No. 2, Fort Erie, Ont.		1
" 14903	July 24	C.N.R.	Mileage 2, Big River Sub., Shellbrook, Sask.	2	1
" 14907	July 14	C.N.R.	Sprague Sub., Mileage 57, Sprague, Man.		1
" 14923	July 18	C.N.R.	Mileage 79.5, St. Quentin Sub., N.B.		1
" 14960	Aug. 20	C.N.R.	1¾ miles south Lefroy, Ont.		7
" 14982	Aug. 14	C.N.R.	Pickering, Ont.		1
" 15003	Aug. 27	C.N.R.	Swiftwater, Mileage 16, B.C.		5
" 15027	July 15	C.N.R.	Mileage 206, Grandview, Man.		1
" 15030	Aug. 5	C.N.R.	Quibell Sub., Ont. (Millidge)		1
" 15035	Aug. 11	C.P.R.	Mileage 27, Altawan Sub., Alta.		1
" 15065	June 18	C.N.R.	Mileage 118, Beadle, Sask.		4
" 15124	Aug. 11	C.P.R.	Loop Tunnel, B.C.		1
" 15180	Aug. 23	C.P.R.	Rossland, B.C.		2
" 15191	Sept. 4	C.N.R.	Mileage 47.1, Ophir, Man.		2
" 15193	Sept. 14	K.V.R.	Coquihalla, Mileage 150.7, B.C.		1
" 15231	Sept. 25	C.N.R.	Minaki Sub., Ena, Ont.		1
" 15243	Sept. 4	D.A.R.	Mileage 27.7, Kennetcook, N.S.		4
" 15293	Oct. 26	C.N.R.	St. James, Winnipeg Terminal Division, Man.		1
" 15294	Oct. 19	C.N.R.	East Yard, Winnipeg Terminal Division, Man.		1
" 15307	Sept. 28	C.P.R.	Ignace, Ont.		1
" 15328	Oct. 4	C.N.R.	3½ miles north, Chesley, Ont.		1
" 15367	Nov. 15	C.N.R.	Tillsonburg, Ont.		2
" 15396	Nov. 16	C.N.R.	2¾ miles east, Campbellford, Ont.		3
" 15410	Oct. 22	C.N.R.	Lake Head Subd., Midway, Ont.		1
" 15419	Nov. 16	C.P.R.	Westfort Yard, Ont.		1
" 15442	Nov. 27	C.P.R.	Estevan Subd., Mileage 11, Manitoba		2
" 15446	Sept. 15	C.N.R.	Pows Bridge, Mile 34.2, P.E.I.		1
" 15451	Nov. 22	C.N.R.	St. James, Winnipeg Terminals Div., Man.		1
" 15465	Nov. 26	K.V.R.	Carmi Subd., Mileage 39.5, B.C.	1	4
" 15474	Nov. 21	C.P.R.	Trenton, Creosote Yard, Ont.		1
" 15504	Oct. 23	C.N.R.	Evansburg, Alta.		2
" 15533	Dec. 17	C.P.R.	Burstall Subd., 18 poles west of Mileage 26th Alta.		1
" 15534	Dec. 21	C.N.R.	Mileage 123.6, St. Anne, Man.		3
" 15546	Dec. 24	C.N.R.	Woodlawn, Mileage 28, Ont.		2
" 14798	June 13	C.P.R.	Kneehill, Alta.		1
" 15271	Oct. 7	C.N.R.	St. Martin's Subdivision, Mileage 252, N.B.		2
				11	207

No. 9.—STATEMENT showing highway crossing accidents attended by personal injury investigated during year ending December 31, 1924.

Inv. File	Brd. File	Date	Time	Railway	Place	K.	I.	Protec- tion	Class of accident	Remarks
14001	26467-37	Nov. 24	19.45 k.	C.N.R.	First crossing west of M.P. 260, Togo., Sask.		1	Unp.	Auto.	Single; skew; carelessness; rural.
14006	27156-72	Dec. 5	12.10 p.	C.P.R.	Main St., Buckingham, Que.		3	Unp.	Auto bus	Single; right angle; siding; urban.
14005	14001	Dec. 18	8.10 p.	C.N.R.	Canning St., Montreal, Que.		1	Gates.	Pedestrian	Double; right angle; carelessness; urban.
14014	26711-78	Dec. 18	11.00 a.	C.N.R.	First crossing south of Woodsville, Ont.	1		Unp.	Auto.	Single; right angle; carelessness; urban.
14025	26765	Dec. 28	1.10 a.	C.N.R.	First crossing west, Bronte, Ont.		4	Unp.	Auto.	Double; right angle; carelessness; urban.
14040	26765-268	Jan. 3	1.50 p.	C.N.R.	London Rd., Sarnia, Ont.		3	Unp.	Auto.	Single; right angle; station buildings; urban.
14045	9437-290	Dec. 26	8.40 a.	C.P.R.	Maitland St., London, Ont.		2	Bell.	Auto. trk.	Double; right angle; trees; carelessness; urban.
14052	11738-152	Dec. 1	11.00 a.	K.V.R.	Fairview Ave., Penticton, B.C.		1	Unp.	Auto.	Double; right angle; carelessness; urban.
14053	6052-36	Nov. 8	6.10 p.	E. & N.	Cumberland Rd., Courtenay, B.C.		2	Unp.	Auto.	Single; skew; carelessness; urban.
14064	18034-87	Dec. 25	11.47 a.	I.E. & N.	Mt. Pleasant Rd., Brantford, Ont.					Single; right angle; station bldg., carelessness; rural.
14068	13019	Jan. 3	1.50 p.	C.N.R.	Queen St., crossing, Brampton, Ont.		2	Unp.	Auto.	Single; right angle; carelessness; urban.
14075	26711-77	Dec. 24	3.10 p.	C.N.R.	First Rd. crossing, east, Stoney Creek, Ont.	1		Bell.	Ped.	Single; skew; carelessness; urban.
14076	26765-46	Dec. 16	9.49 a.	G.R.	Main Street, Galt, Ont.	1		Unp.	Auto.	Double; right angle; high ground; careless; rural
14077	26711-79	Dec. 30	9.25 p.	C.N.R.	Crossing west of Canal Bridge, Thorold, Ont.		1	Unp.	M-cycle	Single; right angle; siding; careless; rural.
14083	26711-80	Dec. 5	8.05 p.	C.N.R.	Port Colborne, Fraser St. crossing, Ont.		2	Unp.	Auto.	Single; right angle; carelessness; rural.
14091	31671	Jan. 30	3.25 a.	C.N.R.	Parent Rd., Ford, Ont.		1	Unp.	Auto.	Double; right angle; buildings; careless; urban.
14092	7264	Nov. 8	3.25 a.	C.N.R.	Richmond St., London, Ont.		2	Unp.	Truck	Double; right angle; sdgs.; urban.
14093	13227	Jan. 8	6.03 p.	C.N.R.	Strabane Ave., Ford City, Ont.		1	Gates	Ped.	Double; right angle; carelessness; urban.
14095	28300-4	Dec. 4	12.00 m.	C.N.R.	Second crossing, east, Avonport, N.S.		1	Unp.	Auto.	Single; right angle; sdgs.; carelessness; urban.
14097	9437-1262	Nov. 17	10.30 a.	D.A.R.	Comox Rd., Nanaimo, B.C.		2	Unp.	Auto.	Single; right angle; carelessness; rural.
14098	10821-361	Dec. 18	14.15 k.	E. & N.	Crossing at Alix South Junction, Alta.		7	Unp.	Auto.	Single; right angle; carelessness; rural.
14102	26711-81	Dec. 6	14.25 k.	C.N.R.	Third crossing east, Aldershot, Ont.		1	Bell.	Truck	Single; right angle; building; careless; urban.
14109	26711-112	Nov. 11	9.00 a.	C.N.R.	Main St. crossing, Milton Station, Ont.		1	Unp.	Wagon	Single; skew; scrub; carelessness; rural.
14123	26727-128	Dec. 25	8.45 a.	C.P.R.	Crossing just east, Fordwich, Ont.		1	Unp.	Truck	Double; right angle; rural.
14131	26765-270	Dec. 5	12.28 p.	C.P.R.	Thorold Rd. crossing, Stamford, Ont.	1		Unp.	Ped.	Skew; carelessness; urban.
14136	9437-1099	Jan. 8	2.15 a.	C.N.R.	Cherry St., Toronto, Ont.		2	Unp.	Auto.	Single; right angle; trees; careless; rural.
14150	27365-24	Jan. 8	9.20 p.	C.P.R.	First crossing east station, Virden, Man.		2	Unp.	Auto.	Single; right angle; trees; careless; rural.
14157	27802-2	Dec. 12	16.55 k.	C.P.R.	Beach Road crossing, Hamilton, Ont.		1	Watchm'n	Auto.	Single; right angle; carelessness; rural.
14158	27066-3	Jan. 14	11.05 k.	T.H.B.	Chisholm St., Oakville, Ont.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
14164	9437-635	Jan. 26	11.25 a.	H.R.E.	Decourelles St., Montreal, Que.		1	Bell.	Auto.	Single; right angle; carelessness; urban.
14168	26283	Jan. 6	4.00 p.	C.N.R.	Clarence Ave., Winnipeg, Man.		1	Unp.	Truck	Single; right angle; carelessness; urban.
14182	30424-5	Jan. 19	15.30 k.	C.N.R.	Clarence St., London, Ont.		1	Gates	Ped.	Double; right angle; carelessness; urban.
14187	9437-1098	Dec. 23	2.35 p.	L.P.S.	Pillette Rd., Ford City, Ont.		1	Unp.	Auto.	Single; right angle; trees; careless; urban.
14193	9437-589	Dec. 17	2.20 p.	C.N.R.	St. Clair Ave., Toronto, Ont.		1	Unp.	Auto.	Single; right angle; carelessness; urban.
14197	10298-1	Jan. 25	8.30 p.	C.N.R.	Sixth crossing east, Wetaskiwin, stn., Alta.		1	Unp.	Auto.	Double; right angle; carelessness; urban.
14200	9437-1234	Jan. 15	16.35 k.	C.P.R.	Rebecca St. crossing, Hamilton, Ont.		1	Gates	Auto.	Single; right angle; carelessness; urban.
14206	33084	Jan. 22	1.15 p.	C.N.R.	1 mile northeast, Joggins station, N.S.		2	Unp.	Mail-wgn	Single; right angle; carelessness; urban.
14208	33229-1	Nov. 10	9.40 p.	C.N.R.	Rd. crossing, west Petitcodiac, N.B.		1	Unp.	Auto.	Double; right angle; carelessness; rural.
14210	15156	Oct. 24	3.57 p.	C.N.R.	First crossing east, Colborne Station, Ont.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
14213	27218-11	Jan. 28	2.30 p.	C.N.R.	Wilson's crossing, Thorburn Subd., N.S.	1		Unp.	Ped.	Double; right angle; carelessness; rural.
14214	33229	Oct. 23	8.20 a.	C.N.R.	Andrew street crossing, Campbellton, N.B.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
14219	17814	Nov. 12	1.10 p.	C.N.R.	St. Philippe St. crossing, Montreal, Que.		1	Unp.	Auto.	Double; right angle; trees; careless; rural.
14220	27652-22	Feb. 2	1.30 p.	C.N.R.	First crossing north, Stottsville, Que.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
14234	Case 4760	Feb. 4	6.45 a.	C.N.R.	South Main St., Welland, Ont.		1	Gates	Ped.	Double; right angle; carelessness; urban.
14276	338	Feb. 10	10.00 a.	M.C.R.	Ontario St., crossing, Montreal, Que.	1		Unp.	Sleigh	Double; right angle; buildings; rural.
14285	26782-37	Feb. 9	4.55 p.	C.N.R.	St. Francis St., Latuque, Que.	1		Gates	Ped.	Double; right angle; carelessness; urban.
14315	25542-38	Feb. 16	1.45 p.	C.N.R.	Elm St., crossing, St. Thomas, Ont.	1		Unp.	Ped.	Single; right angle; buildings; careless; urban.
		Feb. 11	9.25 p.	L.P.S.			2	Unp.	Auto.	Single; right angle; carelessness; bldgs.; urban.

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14326	33229	Jan. 26	10. 15 p.	C.N.R.	Sunny Brae crossing, Sunny Brae, N.B.	1	Bell	Single; skew; high ground; rural.
14365	26782-36	Jan. 28	8. 45 a.	C.N.R.	Crossing 1 mile from Les Éboulements, Que.	1	Unp.	Single; right angle; carelessness; rural.
14375	26842-39	Mar. 6	4. 48 a.	M.C.R.	First rd. crossing west of Waterford, Ont.	1	Unp.	Double; right angle; high ground; rural.
14379	33229-3	Oct. 27	2. 10 p.	C.N.R.	Crossing just north of Rabbitts, N.B.	1	Unp.	Single; right angle; carelessness; rural.
14401	27156-8	Mar. 5	10. 50 a.	C.P.R.	Aylmer Rd. crossing, Hull, Que.	1	Bell	Single; right angle; carelessness; urban.
14410	15165	Feb. 22	15. 55 k.	C.P.R.	First crossing west of M.P. 130, Frobisher, Sask.	2	Unp.	Single; right angle; carelessness; rural.
14413	14163-2	Mar. 21	7. 45 p.	C.P.R.	John St. crossing, Toronto, Ont.	1	Gates	Single; right angle; sidings; urban.
14417	9437-323	Mar. 21	9. 35 a.	C.P.R.	Crossing east of Valois Station, Que.	1	Unp.	Double; right angle; buildings; carelessness; urban.
14423	9437-283	Mar. 22	6. 02 p.	C.P.R.	Wellington St. crossing, Chatham, Ont.	4	Bell	Single; right angle; buildings; carelessness; urban.
14429	9437-291	Mar. 10	6. 00 p.m.	C.N.R.	First crossing south, Bracebridge, Ont.	1	Unp.	Single; right angle; carelessness; urban.
14450	26765-31	April 6	10. 00 p.	C.N.R.	George St. crossing, Brantford, Ont.	3	Gates	Single; right angle; building; rural.
14466	9437-158	April 2	4. 20 p.	C.N.R.	Crossing east, Scarboro Junction, Ont.	1	Unp.	Double; right angle; trees; carelessness; rural.
14470	9437-1202	April 15	12. 10 p.	C.N.R.	Kingston Rd. crossing, Scarboro, Ont.	1	Bell	Double; right angle; carelessness; rural.
14480	26842-9	Mar. 30	8. 17 a.	M.C.R.	Second crossing east, West Lorne, Ont.	2	Unp.	Double; right angle; high ground; carelessness; urban.
14482	26711-81	Mar. 26	7. 10 a.	C.N.R.	Stanley St., St. Davids, Ont.	1	Unp.	Double; right angle; buildings; carelessness; urban.
14484	27652-7	April 19	7. 05 p.	C.N.R.	Chatham St., Montreal, Que.	1	Gates	Single; right angle; buildings; carelessness; urban.
14515	26727-33	April 29	2. 42 p.	C.P.R.	Princess St. crossing, Chatham, Ont.	2	Unp.	Single; skew; trees; carelessness; rural.
14519	26727-130	April 15	15. 30 k.	C.P.R.	Crossing at Mileage 62-9, Glennan, Ont.	1	Unp.	Double; skew; buildings; carelessness; rural.
14523	20205	April 29	10. 25 a.	C.P.R.	Nairn Ave. crossing, Winnipeg, Man.	1	Unp.	Double; right angle; buildings; carelessness; rural.
14528	1017-1	April 17		C.P.R.	Main St. crossing, Almonte, Ont.	1	Bell	Single; right angle; high ground; trees; carelessness; urban.
14529	26765-85	April 28	3. 25 p.	H.R.E.	Ottawa St. crossing, Hamilton, Ont.	1	Unp.	Double; right angle; carelessness; rural.
14563	26782-38	May 5	7. 00 a.	C.N.R.	1,000 feet east of Louise stn., Que.	1	Unp.	Single; right angle; carelessness; rural.
14566	26711-86	April 30	2. 12 p.	C.N.R.	First road crossing, west St. Catharines stn., Ont.	2	Unp.	Double; right angle; carelessness; rural.
14574	27073-21	May 2	19. 45 k.	C.P.R.	First crossing west of station, Derocke, B.C.	2	Unp.	Single; right angle; sdg., carelessness; rural.
14575	30213-5	April 26	16. 45 k.	C.N.R.	First crossing east of station, Matsqui, B.C.	1	Unp.	Single; right angle; sdg., carelessness; rural.
14584	9437-107	May 4	15. 35 p.	C.N.R.	William St. crossing, Cobourg, Ont.	2	Bell	Double; right angle; carelessness; urban.
14589	9437-208	April 30	4. 12 p.	C.N.R.	First crossing east, Unionville, Ont.	1	Unp.	Single; right angle; sdg.; carelessness; rural.
14590	20093	May 10	12. 05 p.	C.N.R.	Base line crossing, Whitby, Ont.	1	Unp.	Double; right angle; carelessness; rural.
14591	26711-85	May 8	9. 30 a.	C.N.R.	Crossing 1 1/2 miles north, Clinton Jct, Ont.	2	Unp.	Single; right angle; carelessness; rural.
14594	27318-5	May 15	10. 20 a.	L.E. & N.	Townsend St., Simcoe, Ont.	2	Bell	Single; right angle; high ground; carelessness; urban.
14595	34420	May 14	7. 18 p.	G.R.	Montrose and Kings Sts., Preston, Ont.	1	Unp.	Single; right angle; carelessness; urban.
14606	27698-3	May 13	8. 35 k.	C.N.R.	115th Avenue, Edmonton, Alta.	2	Unp.	Double; right angle; carelessness; rural.
14609	18064-87	April 25	2. 35 p.	L.E. & N.	Mt. Pleasant Rd., Brantford, Ont.	3	Unp.	Double; right angle; high ground; care; rural.
14611	36528	May 19	6. 50 p.	C.N.R.	First Avenue crossing, Lachine, Que.	1	Bell	Double; right angle; carelessness; urban.
14620	26711-87	May 28	9. 10 a.	C.N.R.	Durham St., Lindsay, Ont.	5	Unp.	Single; right angle; siding; carelessness; urban.
14625	26727-101	May 17	3. 58 p.	C.P.R.	Bloor St. crossing, Irlington, Ont.	5	Unp.	Double; right angle, carelessness; urban.
14636	26765-185	May 31	4. 40 p.	C.N.R.	Rochester St., Ottawa, Ont.	1	Bell	Single; right angle; carelessness; urban.
14656	27218-15	May 17	10. 15 p.	C.N.R.	Main St. crossing, Westville, N.S.	1	Gates	Single; right angle; carelessness; rural.
14669	24359	June 4	11. 50 a.	C.P.R.	Inches Ave., Chatham, Ont.	1	Unp.	Single; right angle; carelessness; urban.
14670	27929-131	June 4	1. 53 p.	C.P.R.	Walker Road crossing, Walker Junction, Ont.	1	Unp.	Single; right angle; carelessness; rural.
14671	27929-18	May 23	7. 10 p.	P.M.R.	Grand Ave., Chatham, Ont.	1	Bell	Single; right angle; sdgs.; carelessness; urban.
14683	30020	May 30	11. 35 a.	N.Y.C.	First crossing north of station, Beauharnois, Que.	1	Unp.	Single; right angle; carelessness; rural.
14684	26782-40	June 7	12. 03 p.	C.N.R.	Second crossing east of Crabtree, Que.	1	Unp.	Single; right angle; carelessness; rural.
14688	26711-91	May 28	4. 10 p.	C.N.R.	Main road crossing Marimora, Ont.	1	Unp.	Single; right angle; station; trees; rural.
14702	27401-21	June 18	11. 12 a.	C.P.R.	Crossing 2 1/2 miles south, Woodstock Stn., N.B.	1	Unp.	Single; right angle; trees; carelessness; rural.
14706	26782-41	June 11	8. 55 a.	C.N.R.	Crossing at station, St. Martine Junction, Que.	1	Unp.	Single; right angle; siding; carelessness; urban.
14710	26727-132	June 13	8. 05 a.	C.P.R.	Crossing 1 1/2 miles west of Beachville, Ont.	1	Unp.	Single; right angle; trees; carelessness; rural.
14727	27073-13	May 7	23. 55 k.	E. & N.	Roschill Ave., Nanaimo, B.C.	1	Unp.	Single; right angle; trees; carelessness; urban.
14728	26711-92	June 10	10. 30 k.	C.N.R.	Neebing Ave. crossing, Westfort, Ont.	1	Unp.	Single; right angle; carelessness; urban.
14757	26711-89	June 13	2. 05 p.	C.N.R.	Crossing west of station, Aberarder, Ont.	1	Unp.	Single; right angle; carelessness; rural.
14758	9437-876	June 25	4. 40 p.	C.N.R.	Main St. crossing, Norwich, Ont.	1	Unp.	Single; right angle; bldgs., carelessness; urban.
14745	26752-42	June 20	6. 25 p.	C.N.R.	St. Anne St., St. Hyacinthe, Que.	1	Unp.	Double; right angle; bldgs.; carelessness; urban.
14752	9437-1083	June 25	6. 49 p.	C.P.R.	Brock Road crossing Puslinch, Ont.	2	Bell	Single; right angle; bldgs.; high ground; carelessness; rural.
14758	6692-1	June 22	6. 50 p.	W.E. & L.S.	Crossing 1-49 miles east, Ruthven, Ont.	4	Unp.	Single; right angle; carelessness; rural.
14760	9437-974	June 28	5. 33 p.	C.P.R.	Papineau Ave., Montreal, Que.	1	Gates	Double; right angle; carelessness; urban.
14771	26727-133	July 2	5. 55 p.	C.P.R.	First crossing west, Kent Bridge station, Ont.	3	Unp.	Single; right angle; carelessness; rural.
14772	9437-291	June 27	11. 14 a.	C.P.R.	Colborne St. crossing, London, Ont.	1	Bell	Double; right angle; carelessness; urban.
14779	26765-160	July 5	11. 40 p.	C.N.R.	Crossing 3 miles east of Prescott, Ont.	1	Unp.	Double; right angle; carelessness; rural.

No. 9.—STATEMENT showing highway crossing accidents attended by personal injury investigated during year ending December 31, 1924.—Continued.

Inv. File	Brd. File	Date	Time	Railway	Place	K.	I.	Protec- tion	Class of accident	Remarks
14784	27156-20	June 21	12-51 p.	C.P.R.	Crossing at east end of Church St., Vaudreuil, Que.	1	1	Unp.	Truck	Double; right angle; trees; careless; urban.
14786	26711-93	June 17	10-05 a.	C.N.R.	McLachlan St. crossing, Arnprior, Ont.	...	1	Unp.	Auto.	Single; right angle; bldgs.; careless; urban.
14796	26467-40	June 13	10-10 k.	C.N.R.	Crossing west of water tank, Beynon, Alta.	...	1	Unp.	Wagon	Single; right angle; sdgs.; careless; rural.
14799	618-27-1	June 16	17-13 k.	C.P.R.	First crossing west of Coronation, Alta.	...	1	Unp.	Wagon	Single; right angle; high ground; careless; rural.
14805	26711-95	July 1	8-25 a.	C.N.R.	First crossing east of Markham, Ont.	...	1	Unp.	Wagon	Single; right angle; bldgs.; careless; urban.
14807	27929-19	July 2	7-20 p.	P.M.R.	Park Ave., Chatham, Ont.	...	1	Unp.	Ped.	Single; right angle; trees; b. & b.; urban.
14808	26842-40	May 25	11-20 a.	M.C.R.	Crossing two miles west of Canfield Jct., Ont.	...	1	Unp.	Auto.	Double; right angle; carelessness; rural.
14823	26727-154	July 17	8-58 a.	C.P.R.	First crossing east of Green Valley, Ont.	...	2	Unp.	Auto.	Double; right angle; buildings; careless; rural.
14844	3878-206	July 21	11-58 a.	C.N.R.	First crossing west, Brighton Stn., Ont.	...	1	Unp.	Auto.	Double; right angle; trees; careless; urban.
14861	33550	June 10	9-27 a.	C.N.R.	Crossing at mileage 20.39, Uigg stn., P.E.I.	...	1	Unp.	Auto.	Single; right angle; high ground; careless; rural.
14867	33229-5	June 30	3-57 p.	C.N.R.	Crossing ¼ mile east, Petitcodiac, N.B.	...	1	Unp.	Auto.	Single; right angle; carelessness; rural.
14876	27156-75	July 21	2-55 p.	C.P.R.	Crossing at 24-19, St. Guillaume Subd., Que.	1	2	Unp.	Auto.	Single; right angle; carelessness; rural.
14877	27156-73	July 16	3-45 a.	C.N.R.	Crossing ¼ mile north, Camrobert, Que.	...	3	Unp.	Auto.	Single; skew; trees; carelessness; rural.
14866	18034-87	July 25	3-45 p.	L.E. & N.	Mt. Pleasant Rd. crossing, Brantford, Ont.	...	1	Unp.	Truck	Single; right angle; high ground; careless; rural.
14893	26842-41	July 29	1-54 p.	M.C.R.	First road crossing east, Essex, Ont.	1	...	Unp.	Auto.	Double; skew; carelessness; rural.
14894	28116-2	July 12	1-23 p.	W.E. & L.S.	First crossing north, Maidstone stn., Ont.	...	1	Unp.	Auto.	Double; right angle; carelessness; rural.
14905	9437-369	July 21	12-45 p.	C.N.R.	First crossing east, Corinth, Ont.	...	1	Unp.	Auto	Single; right angle; trees; careless; rural.
14908	9437-1219	Aug. 2	10-10a.	C.P.R.	Bank St. crossing, Ottawa, Ont.	...	1	Bell	Auto	Single; skew; trees; carelessness; rural.
14909	27156-79	Aug. 8	10-02 a.	C.P.R.	Lake St. crossing, Aylmer, Que.	...	1	Unp.	Truck	Single; skew; carelessness; urban.
14912	27156-80	July 14	10-15 a.	C.P.R.	Crossing ¼ mile east, Alstonvale, Que.	...	1	Unp.	Ped.	Single; skew; carelessness; urban.
14915	9437-568	July 30	12-15 p.	C.N.R.	Adam's crossing, 3 miles east, Newcastle, Ont.	...	2	Unp.	Auto.	Single; right angle; trees; careless; rural.
14916	30394	July 19	3-18 a.	C.N.R.	Page Ave., crossing, 2 miles east Fort Credit, Ont.	4	3	Unp.	Auto.	Double; right angle; carelessness; rural.
14918	26711-96	June 25	8-59 a.	C.N.R.	Third road crossing east, Burlington, Ont.	...	1	Unp.	Rig	Double; right angle; rural; trees; carelessness.
14919	29745	July 19	12-20 p.	D.&H.E.R.	Crossing just west of Cainsville, Ont.	...	1	Unp.	Buggy	Double; right angle; careless; rural.
14920	26727-137	Aug. 1	12-15 p.	C.P.R.	Parkdale Ave. crossing, Ottawa, Ont.	...	1	Unp.	Auto.	Single; skew; trees; carelessness; rural.
14922	9437-735	Aug. 6	11-16 a.	C.N.R.	First rd. crossing west of Burlington stn., Ont.	...	1	Unp.	Truck	Single; right angle; carelessness; urban.
14929	26727-138	July 14	4-30 p.	C.P.R.	Main Street crossing, Galt, Ont. (mileage 56-2).	...	1	Unp.	Auto.	Double; skew; sdg.; carelessness; rural.
14930	26727-136	July 31	7-44 p.	C.P.R.	First crossing west of Milton station, Ont.	...	1	Unp.	Ped.	Single; right angle; carelessness; rural.
14939	33567	July 28	11-40 k.	C.P.R.	First crossing west, Marquette stn., Man.	...	...	Unp.	Auto.	Double; right angle; high ground; carelessness;
14940	9437-1303	July 24	15-00 k.	C.P.R.	Second crossing east, Newdale stn., Man.	1	...	Unp.	Auto.	rural.
14957	3878-360	Aug. 7	7-35 a.	C.N.R.	2½ miles east, Thurlow Stn., Ont.	...	1	Unp.	Ped.	Single; right angle; siding; carelessness; rural.
14961	26711-74	July 19	6-55 p.	C.N.R.	Town line crossing east of Brampton, Ont.	...	1	Unp.	Wagon	Single; right angle; carelessness; rural.
14962	26765-95	Aug. 9	5-10 p.	C.N.R.	Crossing west of C. P. diamond, Woodstock, Ont	1	...	Unp.	Ped.	Double; right angle; trees; carelessness; urban.
14964	26711-98	July 29	2-17 p.	C.N.R.	First crossing west, Waubane bridge, London, Ont.	1	...	Unp.	Auto.	Double; skew; trees; carelessness; urban.
14965	9437-787	July 8	5-23 p.	C.N.R.	Guy St. crossing, Montreal, Que.	...	1	Gates	Ped.	Single; right angle; high ground; trees; careles-
14966	27073-22	June 26	8-48 k.	E. & N.	Crossing, mile 27-2, Alberni, B.C.	...	1	Unp.	Auto.	ness; rural.
14970	27652-5	July 23	8-55 p.	C.N.R.	Acqueduct St., Montreal, Que.	...	1	Gates	Ped.	Double; right angle; carelessness; urban
14972	10011-1	July 17	7-00 p.	Q.M.&S.	St. James St. crossing, St. Lambert, Que	...	1	Unp.	Auto.	Single; right angle; high ground; carelessness,
14973	26782-44	June 19	7-52 a.	C.N.R.	St. Foye rd. crossing, La Siette, Que.	...	1	Unp.	Wagon	urban.
14974	26782-43	July 14	9-40 a.	C.N.R.	Crossing east St. Isidore, Que., mile 84-5.	1	...	Unp.	Auto.	Double; right angle; carelessness; urban.
14975	27156-76	July 14	6-18 a	C.P.R.	Crossing at Paquin, Que.	3	2	Unp.	Auto.	Single; skew; trees; carelessness; rural.

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14976	29444.3	May 30	1 35 p.	M.C.R.	First crossing east of Sawyerville, Que.	1	Unp.	Auto.	Double; right angle; carelessness; rural.
14990	26711.101	July 29	8 25 a.	C.N.R.	Crossing west Searboro stn., Ont.	1	Unp.	Auto.	Double; right angle; building; carelessness; rural.
14992	26807.32	July 7	10 00 k.	C.P.R.	First crossing west, Limerick, Sask.	1	Unp.	Auto.	Single; right angle; carelessness; rural.
15006	26711.99	Aug. 12	10 56 a.	C.N.R.	Rd. crossing east, Tecumseh stn., Ont.	1	Unp.	Truck	Double; right angle; carelessness; rural.
15007	9437.120	Aug. 24	9 15 p.	W.E. & L.S.	Gravel Rd. crossing, mileage 4.19, Windsor, Ont.	3	Unp.	Auto.	Single; skew; building; carelessness; rural.
15008	26842.38	Aug. 21	1 36 p.	M.C.R.	Second crossing east of, La Salette, Ont.	3	Unp.	Rig	Double; right angle; carelessness; rural.
15010	32362	Aug. 20	8 10 p.	C.N.R.	Second crossing west, Victoriaville, Que.	1	Unp.	Auto.	Single; right angle; carelessness; urban.
15011	27156.81	Aug. 5	4 30 p.	C.P.R.	St. Patrick St. crossing, Magog, Que.	6	Unp.	Auto.	Single; right angle; bldgs.; carelessness; urban.
15012	27156.52	Aug. 8		C.P.R.	Crossing at mile 1.3, Ste. Therese stn., Que.	1	Unp.	Auto.	Single; right angle; carelessness; rural.
15015	28374.2	Aug. 4	4 51 p.	C.N.R.	First crossing west, Actonvale, Que.	4	Unp.	Auto.	Single; right angle; trees; buildings; carelessness; urban.
15022	27218.16	July 5	2 17 p.	C.N.R.	Crows crossing, Shelburne, N.S.	1	Unp.	Ped.	Single; right angle; trees; carelessness; rural.
15043	9437.80	Aug. 23	10 28 a.	C.P.R.	1 mile south, Weston stn., Ont.	2	Bell	Auto.	Single; right angle; buildings; carelessness; urban.
15047	26727.139	Aug. 19	4 07 p.	C.P.R.	Crossing mileage 71.5, just north Berkely, Ont.	1	Unp.	Auto.	Single; right angle; trees; rural; carelessness.
15050	9374	Aug. 20	9 41 a.	C.N.R.	Crossing just east of Grimsby, stn., Ont.	1	Gates	Ped.	Single; right angle; carelessness; rural.
15055	26711.102	Sept. 6	6 00 p.	C.N.R.	Maple Street, Dunnville, Ont.	5	Unp.	Auto.	Single; right angle; trees; buildings; carelessness; urban.
15059	27218.18	July 25	10 40 a.	C.N.R.	Crossing 300 yards west Hopewell Stn., N.S.	1	Bell	Rig	Single; right angle; high ground; carelessness; rural.
15060	26782.23	Aug. 23	3 05 p.	C.N.R.	West pub. crossing, Charlesburg, Que.	1	Bell	Auto.	Single; skew; trees; carelessness; rural.
15062	27218.17	July 12	12 40 p.	C.N.R.	Crossing east of East Mines Stn., N.S.	1	Unp.	Auto.	Single; skew; buildings; carelessness; rural.
15071	26727.141	Sept. 3	4 33 p.	C.P.R.	Crossing, mile 23.1, Corwhin, Ont.	1	Unp.	Auto.	Single; right angle; carelessness; trees; rural.
15075	27218.19	Aug. 10	12 00 m.	C.N.R.	Fletcher's crossing, Wellington, N.S.	2	Unp.	Auto.	Single; right angle; high ground; carelessness; rural.
15078	28823	Aug. 24	2 15 k.	C.P.R.	Marion St. crossing, St. Boniface, Man.	1	Unp.	Auto.	Double; right angle; sidings; carelessness; urban.
15080	26711.803	Sept. 5	7 45 p.	C.N.R.	Crossing south of Pinkerton Stn., Ont.	3	Unp.	Auto.	Single; right angle; buildings; carelessness; rural.
15102	28116.3.1	Sept. 2	12 55 a.	W.E. & L.S.	1,000 feet south of station, Cottam, Ont.	2	Unp.	Auto.	Single; skew; carelessness; rural.
15106	364	Sept. 6	8 02 p.	C.P.R.	Queen St. crossing, Lindsay, Ont.	1	Unp.	Auto.	Single; right angle; buildings; carelessness; urban.
15107	30424.1	Sept. 4	10 13 p.	I. & P.S.	Wellington St., London, Ont.	1	Unp.	Auto.	Single; right angle; carelessness; urban.
15108	9437.851	Sept. 3	6 46 p.	C.N.R.	First crossing north, Thornton, Ont.	1	Unp.	Truck	Single; right angle; trees; carelessness; rural.
15127	13975.12	Sept. 3	10 35 k.	C.N.R.	Crossing 8 poles west, M.P. 21, Spring Valley, Sask.	1	Unp.	Buggy	Single; right angle; high ground; carelessness; rural.
15130	26711.104	Aug. 28	2 25 p.	C.N.R.	Crossing 14 miles west Onondaga, Ont.	1	Unp.	Auto.	Single; skew; carelessness; rural.
15134	9437.323	Sept. 18	8 28 a.	C.P.R.	Pub. crossing, Valois, Que.	1	Unp.	Truck	Double; right angle; building; carelessness; urban.
15139	26765.29	Sept. 17	6 00 p.	C.N.R.	Crossing west of station, Tillsonburg, Ont.	3	Bell	Auto.	Single; right angle; trees; carelessness; rural.
15155	27218.20	Aug. 10	10 00 a.	C.N.R.	Crossing, mile 99, Sydney River, N.S.	3	Bell	Auto.	Single; right angle; trees; carelessness; rural.
15173	9437.977	Sept. 21	7 45 p.	C.P.R.	Crossing west end yard, Havelock, Ont.	1	Bell	Auto.	Single; right angle; carelessness; urban.
15175	26711.106	Sept. 23	9 43 a.	C.N.R.	Donegal St., Peterboro, Ont.	1	Unp.	Auto.	Single; right angle; buildings; carelessness; urban.
15181	27073.1	Aug. 7	17 45 k.	C.P.R.	Coldstream crossing, Vernon, B.C.	1	Unp.	Auto.	Single; right angle; sidings; carelessness; urban.
15187	27148.3	Sept. 24	11 50 a.	M. & S.C.	Springfield crossing, Greenfield Park, Que.	1	Unp.	Rig	Double; right angle; trees; carelessness; urban.
15185	26782.45	Sept. 5	4 13 p.	C.N.R.	Lindsay St. crossing, Drummondville, Que.	2	Unp.	Truck	Single; right angle; carelessness; buildings; urban.
15196	9437.1325	Sept. 26	4 33 p.	C.N.R.	Blackhorse crossing, Allanburg, Ont.	1	Bell	Auto.	Single; right angle; high ground; carelessness; rural.
15213	26727.142	Oct. 9	8 32 a.	C.P.R.	Crossing just east of Turbine Stn., Ont.	3	Unp.	Auto.	Single; right angle; high ground; buildings; rural.
15218	19267	Oct. 7	9 45 p.	C.N.R.	Rectory St., London, Ont.	1	Gates	Ped.	Double; right angle; urban.
15220	2487	Oct. 17	7 10 p.	C.N.R.	Charlevoix St., Pointe St. Charles, Que.	1	Gates	Ped.	Double; right angle; carelessness; urban.
15234	28786.19	Sept. 16	2 10 k.	C.N.R.	Crossing, 16 p.w., mile 8.20, St. Paul, Alta.	1	Unp.	Team	Single; right angle; carelessness; rural.
15238	2765.22	Oct. 17	6 17 p.	C.N.R.	Spadina Ave. crossing, Toronto, Ont.	1	Watchman	Lorry	Double; right angle; carelessness; urban.
15239	26711.107	Sept. 26	1 00 a.	C.N.R.	Yonge St. crossing, Hamilton, Ont.	1	Unp.	Ped.	Double; right angle; carelessness; urban.
15251	9437.110	Oct. 25	3 38 p.	C.P.R.	Merry St. crossing, Magog, Que.	2	Bell	Auto.	Single; right angle; high ground; carelessness; urban.
15255	27156.82	Sept. 22	3 52 p.	C.P.R.	Crossing, mile 49.2, Degroisbois, Que.	1	Unp.	Ped.	Single; right angle; siding; carelessness; urban.
15257	27929.20	Oct. 15	8 00 a.	P.M.R.	First crossing, west, Paradise Grove, Ont.	1	Unp.	Auto.	Single; right angle; carelessness; rural.
15258	27364.45	Oct. 11	16 30 k.	C.P.R.	Fifth crossing east, Kenney, Man.	1	Unp.	Auto.	Single; skew; carelessness; rural.
15259	33229.7	Oct. 8	19 40 p.	C.N.R.	Crossing, Queen and Brunswick Sts., Fredericton, N.B.	1	Unp.	Auto.	Single; right angle; carelessness; urban.
15272	27156.24	Oct. 1	5 30 p.	C.P.R.	Crossing, mileage 10.2, Laval Rapides, Que.	4	Unp.	Auto.	Double; right angle; tree; carelessness; urban.
15274	27811.29	Oct. 8	9 35 k.	C.P.R.	Second crossing, north, Midnapore, Alta.	1	Unp.	Auto.	Single; right angle; carelessness; rural.
15277	9437.646	Oct. 3	7 50 a.	C.N.R.	Versailles St., Montreal.	1	Gates	Ped.	Double; right angle; carelessness; urban.

No. 9. — STATEMENT showing highway crossing accidents attended by personal injury investigated during year ending December 31, 1924.—*Concluded.*

Inv. File	Brd. File	Date	Time	Railway	Place	K.	I.	Protection	Class of accident	Remarks
15281	26711-109	Oct. 25	7.25 p.	C.N.R.	First Xng. east, Merritton, Ont.		1	Unp.	Auto.	Double; right angle; high ground; carelessness; rural.
15283	4000-1	Oct. 8	8.45 a.	C.N.R.	Notre Dame St., Montreal, Que.		1	Gates	Ped.	Double; skew; carelessness; urban.
15284	27156-2	Oct. 7	5.26 p.	C.P.R.	Elmhurst Ave., Montreal West, Que.	1		Unp.	Auto.	Double; right angle; carelessness; urban.
15285	9437-565	Oct. 25	12.25 a.	C.P.R.	Côte des Neiges, Montreal, Que.		1	Bell	Auto.	Double; right angle; siding; carelessness; urban.
15291	3107	Oct. 15	8.40 a.	C.N.R.	Atwater Ave., Montreal, Que.		1	Gates	Ped.	Double; right angle; carelessness; urban.
15292	27156-84	Oct. 12	7.45 p.	C.P.R.	Champlain St. crossing, St. Johns, Que.	1	9	Unp.	Auto.	Double; right angle; buildings; carelessness; urban.
15323	9437-1286	Oct. 25	10.53 p.	C.N.R.	First crossing west, Thimessville, Ont.	1		Bell	Auto.	Double; right angle; carelessness; rural.
15330	9437-373	Oct. 27	1.00 p.	C.N.R.	Crossing 3 mile south, Wingham Jct., Ont.		1	Unp.	Auto.	Single; right angle; trees; carelessness; rural.
15343	26727-55	Nov. 1	9.25 a.	C.P.R.	Front St., crossing, Toronto, Ont.		1	Bell	Truck	Double; right angle; buildings; carelessness; urban.
15348	9437-1086	Nov. 2	5.40 p.	C.N.R.	St. Hubert Stn., Que (crossing just west of)	2	3	Bell	Auto	Double; skew; buildings; carelessness; urban.
15349	9437-647	Oct. 21	5.58 p.	C.N.R.	St. Remi St. crossing, Montreal, Que.		1	Gates	Ped.	Double; right angle; carelessness; urban.
15350	27407-41	Oct. 22	11.22 k.	C.N.R.	Crossing east stock yard, Melville, Sask.		1	Unp.	Auto.	Single; right angle; sidings; carelessness; urban.
15355	9437-610	Oct. 31	12.15 a.	C.N.R.	Cannon St. crossing, Hamilton, Ont.	1	1	Watch'mn	Auto.	Double; right angle; carelessness; urban.
15356	8673	Nov. 7	12.40 a.	C.P.R.	Weston Rd. crossing, West Toronto, Ont.		2	Gates	Ped.	Double; right angle; carelessness; rural.
15360	9437-1032	Nov. 1	4.40 p.	C.N.R.	Brant House crossing, Burlington Jct., Ont.		2	Unp.	Auto.	Single; right angle; carelessness; rural.
15363	27073-23	Oct. 14	3.00 k.	C.P.R.	First crossing west, Eager, B.C.		1	Unp.	Truck	Single; right angle; trees; carelessness; rural.
15368	27351	Nov. 10	12.00 m.	C.P.R.	Francis St. crossing, Sault Ste. Marie, Ont.		1	Unp.	Auto.	Single; right angle; buildings; carelessness; urban.
15371	26711-112	Oct. 22	9.05 a.	C.N.R.	Crossing 2 miles east, Capreol, Ont.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
15374	26807-33	Sept. 21	10.20 a.	C.P.R.	First crossing west of station, Grand Coulee, Sask.	1		Unp.	Ped.	Double; right angle; carelessness; rural.
15379	8673	Nov. 6	1.17 p.	C.N.R.	Weston Rd. crossing, West Toronto, Ont.	1		Gates	Ped.	Double; right angle; carelessness; rural.
15387	9437-1337	Oct. 29	14.08 k.	C.P.R.	First crossing, west stn., Chaplin, Sask.		2	Unp.	Wagon	Double; right angle; siding; carelessness; rural.
15390	26765-184	Nov. 15	2.05 p.	C.N.R.	George St. crossing, Peterboro, Ont.	1		Unp.	Ped.	Single; right angle; carelessness; urban.
15405	27467-8	Nov. 3		C.N.R.	First crossing, west stn., Warman, Sask.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
15422	28786	Oct. 20	9.36 k.	C.N.R.	First rd. crossing, south, Legal stn., Alta.		1	Unp.	Team	Single; right angle; trees; carelessness; rural.
15424	26842-12	Oct. 10	2.04 p.	C.N.R.	First rd. crossing, east, Maidstone, Ont.		1	Bell	Auto.	Double; right angle; carelessness; rural.
15426	30124-6	Nov. 17	7.30 a.	L. & P.S.	Crossing, 7 miles from, London, Ont.		2	Bell	Buggy	Single; right angle; carelessness; rural.
15431	9437-135	Nov. 14	6.25 p.	M.C.R.	First crossing, west of Fletcher, Ont.	3	1	Unp.	Auto.	Double; right angle; carelessness; rural.
15432	2671-108	Oct. 28	9.25 a.	C.N.R.	Crossing 50 yds. west of Stn., Hepworth, Ont.		3	Unp.	Auto.	Single; right angle; carelessness rural.
15436	33229-8	Sept. 19	2.25 p.	C.N.R.	Rd. crossing at Aulac, N.S.	1	1	Unp.	Wagon	Single; right angle; buildings; carelessness; rural.
15437	26727-144	Nov. 27	1.44 p.	C.P.R.	Second crossing west, Elmstead, stn., Ont		2	Unp.	Truck	Single; skew; carelessness; rural.
15438	33229-9	Nov. 5	3.55 p.	C.N.R.	Crossing north, Stewiacke stn., plat., N.S		1	Bell	Auto.	Single; skew; carelessness; urban.
15439	26765-140	Nov. 20	4.18 p.	C.N.R.	First crossing north, Milton, Ont.		2	Unp.	Auto.	Single; right angle; trees; carelessness; rural.
15440	27401-25	Sept. 30	12.20 p.	C.P.R.	Second crossing east, Fairville, N.B.		1	Unp.	Ped.	Single; skew; trees; carelessness; rural.
15443	27401-23	Nov. 12	7.20 a.	C.P.R.	Crossing 1 mile south of Hartland, N.B.		1	Unp.	Auto.	Single; right angle; trees; high ground; carelessness; rural.
15444	183-1	Oct. 19	9.22 a.	C.N.R.	George St. crossing, Sydney, N.S		1	Bell	Auto	Single; right angle; carelessness; urban.
15449	27401-3	Nov. 5	7.30 p.	C.P.R.	Crossing, mile 32.5, Valley Rd., N.B.		1	Unp.	Auto.	Single; skew; carelessness; rural.
15452	Cas 1230	Nov. 19	10.04 p.	C.P.R.	Carafraza St. crossing, Durham, Ont.		1	Bell	Auto.	Single; right angle; carelessness; rural.
15458	9437-960	Oct. 31	3.12 p.	D.A.R.	First crossing east, Weymouth stn., N.S.		1	Unp.	Auto.	Single; right angle; carelessness; rural.
15466	33229	Nov. 12	10.50 p.	C.N.R.	Andrew st. crossing, Campbellton, N.B.		1	Bell	Auto.	Single; right angle; buildings; carelessness; urban.
15470	26765-143	Nov. 13	2.25 a.	C.N.R.	Market st. crossing, Paris Jct., Ont.		1	Watch'm'n	Ped.	Single; right angle; carelessness; urban.
15471	26727-27	Nov. 15	12.20 p.	C.P.R.	Beverley st. crossing, Galt, Ont.		1	Bell	Buggy	Single; right angle; carelessness; urban.
15473	26727-146	Nov. 30	5.25 a.	C.P.R.	Russell Rd. crossing, Ottawa, Ont.	1	3	Unp.	Auto.	Single; right angle; building; carelessness; rural.
15481	9437-574	Nov. 15	12.00 m.	M.C.R.	Bender Ave., Niagara Falls, Ont.	1		Unp.	Auto.	Double; right angle; carelessness; urban.
15487	4000-1	Oct. 28	6.00 p.	C.N.R.	Notre Dame St., St. Henri, Montreal, Que.	1		Gates	Ped.	Single; right angle; buildings; carelessness; urban.
15489	9437-646	Oct. 27	5.20 p.	C.N.R.	Versailles St., Montreal, Que.		1	Gates	Ped.	Double; right angle; carelessness; urban.

15491	26765-48	Nov. 30	2 44 p.	L.E. & N.	Bruce St. crossing, Galt, Ont.	1	Watchman	Auto.	Single; right angle; carelessness; urban.
15522	9437-316	Dec. 11		C.P.R.	First crossing, north, Markdale, Ont.	1	Bell	Auto.	Single; right angle; building; carelessness; rural.
15524	26744-35	Dec. 3	12-46 k.	C.N.R.	First crossing, west station, Sifton, Man.	1	Unp.	Wagon	Single; right angle; carelessness; siding; rural.
15545	26782-53	Dec. 13	9 20 a.	C.N.R.	Crossing west of St. Apollinaire stn., Que.	2	Unp.	Rig	Single; right angle; buildings; carelessness; urban.
15550	9437-178-1	Dec. 11	7 02 p.	C.N.R.	Stave Bank Rd. crossing, Port Credit, Ont.	1	Bell	Auto.	Double; right angle; carelessness; rural.

Explanation of abbreviations:—
Unprotected..... Unp.
Pedestrian..... Pedes.
Single track..... Single
Double track..... Double
Right angle crossing..... r.a.
Carelessness..... Careless;
Sidings..... Sidgs.
High ground..... H.g.
Bill boards..... BB.

No. 10.—STATEMENT showing accidents to employees while working on or under engines, investigated during the year ending December 31, 1924.

Inv. File	Date	Railway	Place	Remarks	Kill- ed	In- jured
13998	Dec. 5	C.N.R.	Rainy River, Sprague Sub., Ont.	While out on running board, slipped.....		1
13999	Dec. 7	C.N.R.	St. Thomas, Ont.	Out on running board.....		1
14002	Nov. 27	C.N.R.	Humboldt, Langham Sub., Sask	Stock yard gate flew open.....		1
14024	Nov. 14	C.N.R.	Blenorchy, Ont.	Jumped from engine.....	1	
14038	Dec. 20	C.N.R.	Clandeboyne, Ont.	Shaking grates.....		
14056	Dec. 2	C.N.R.	North Sydney, N.S.	Coming down off tender, slipped.....		1
14062	Dec. 14	C.N.R.	Peterboro, Ont.	Removing broken cylinder cock.....		1
14063	Dec. 18	C.P.R.	Carleton Place, Ont.	Fell from cab.....		1
14071	Dec. 5	C.N.R.	Atikokan, Fort Frances Sub., Ont.	Reversing engine.....		1
14112	Dec. 26	C.P.R.	Calgary Terminals, Alta.	Water glass broke.....		1
14145	Jan. 24	C.N.R.	Sudbury Yard, Ont.	Turning around, struck by projecting lubricator.....		1
14152	Jan. 1	N.P.R.	Letellier, Man.	Foot caught between lever and boiler head.....		1
14172	Jan. 21	C.N.R.	Mimico Yard, Ont.	Top check on inspirator closed.....		1
17174	Jan. 25	C.P.R.	London, Quebec St. Yard, Ont.	Fell from tender of engine.....		1
14177	Dec 15	C.P.R.	Montreal, Que.	Fell from running board.....		1
14179	Jan. 22	C.N.R.	Hamilton, Ont.	Fell from running board.....		1
14180	Jan. 12	C.P.R.	West Toronto Yard, Ont.	Water glass broke.....		1
14204	Feb. 3	C.P.R.	Dalhousie Mills, Que.	Opening front end of engine.....		1
14215	Jan. 28	C.N.R.	Stratford, Ont.	Coupling onto cars.....		1
14216	Jan. 31	M.C.R.	Bridgeburg, Ont.	Drip cock blew out of lubricator.....		1

No. 10.—STATEMENT showing accidents to employees while working on or under engines, investigated during the year ending December 31, 1924.—*Concluded.*

Inv. File	Date	Railway	Place	Remarks	Killed	Injured
14246	Dec. 26	C.P.R.	Kamloops, B.C.	Engine struck loaded cars.		1
14257	Jan. 16	C.N.R.	Hamilton, Ont.	Shaker bar slipped off shank.		1
14266	Jan. 9	C.N.R.	Edson, M.P. 1-3, Alta.	Spout fell on back.		1
14304	Feb. 12	C.N.R.	Point St. Charles, Que.	Opening firebox door.		1
14305	Jan. 31	C.N.R.	Cochrane Yard, Ont.	Made rough coupling.		1
14330	Jan. 24	C.N.R.	Rosendale, Man.	Jumped from engine.		1
14346	Mar. 1	C.N.R.	Troon, Brazeau Sub., Alta.	Pumping engine to find box pound.		1
14363	Mar. 5	C.P.R.	Cochrane, Laggan Sub., Alta.	Returning from oiling bell ringer, slipped.		1
14382	Mar. 7	C.N.R.	Nutana, Sask.	Slipped from gangway.		1
14407	Mar. 8	C.N.R.	Drumheller, Alta.	Slipped and fell, striking knee against engine.		1
14453	April 4	C.N.R.	Makaroff, Togo Sub., Man.	Stud blew out of boiler.		1
14454	Mar. 30	C.N.R.	Elma, M.P. 70, Man.	Steam gauge jet blew out.		1
14456	April 3	C.N.R.	Maryfield, Sask.	Getting out of rear window of cab.		1
14457	Mar. 10	C.N.R.	Fort Frances Shop track, Ont.	Getting down from engine, slipped.		1
14481	Mar. 28	C.N.R.	Waubashene, old main line, Ont.	Assisting to rerail engine.		1
14483	April 4	C.P.R.	Hyde Park, Ont.	Getting out to put on injector.	1	
14501	Mar. 20	C.N.R.	Albertine, N.B.	Shaker bar slipped.		1
14506	April 4	C.P.R.	Winnipeg Terminals, Man.	Walking along running board.		1
14520	April 23	C.N.R.	Edgington, M.P. 362, Ont.	Bolt came out of driving brake.		1
14538	April 28	C.P.R.	Oshawa, Ont.	Struck top of head against door.		1
14569	Feb. 29	K.V.R.	Penticton, B.C.	Leaning out of gangway of cab of engine.		1
14614	May 9	C.N.R.	Medicine Hat, Alta.	While shaking grates.		1
14651	May 28	C.N.R.	Near St. Agathe, Letellier Sub.	Squirt flew up hot water.		1
14652	June 9	C.P.R.	Shawanaga Station, 1 mile north, Ont.	Engine parted from tender.		1
14654	May 10	C.P.R.	Saskatoon Yard, Sask.	Taking water, slipped.	1	
14666	April 1	C.N.R.	Regina, Sask.	Handling coal.		1
14706	May 27	C.N.R.	Tranquille, M.P. 10, B.C.	Steam heat connection blew off.		1
14782	June 23	C.P.R.	Laggan Sub., Mileage 109, Alta.	Squirt hose on engine burst.		1
14801	June 6	C.N.R.	Glen Robertson, Ont.	Repairing bell rope.		1
14804	July 2	C.N.R.	Muskoka Jct., Ont.	Water glass exploded.		1
14811	July 6	C.N.R.	Parkdale, Ont.	Trying to climb over drawbar.		1
14820	July 12	C.N.R.	Dorchester, Ont.	Roof of car projecting.		1
14838	June 26	C.N.R.	Bloom, Harte Sub., Man.	Making repairs to engine.		1
14840	June 20	C.N.R.	Dock, Man.	Climbing over tender.		1
14846	June 27	C.N.R.	London, Yard, east, Ont.	Shaking grates.		1
14854	May 25	C.N.R.	Capreol Yard, Ont.	Squirt hose worked open.		1
14890	June 22	C.N.R.	Washago, Ont.	Got cinder in eye.		1
14897	July 29	C.N.R.	Pefferlaw, Mileage 55, Ont.	Shaking grate.		1
14898	July 10	C.N.R.	Annex, Ont.	Lifting dipper of dirt, shovel turned.		1
14902	June 3	C.P.R.	Ignace Sub., Mileage 75-3, Ont.	Hose pulled off nipple.		1
14995	July 12	C.P.R.	Kaministiquia Sub., M.P. 141-8, Ont.	Sprinkler hose valve flew open.		1

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15018	Aug. 19	C.N.R.	Rivers, Man.	Engine trucks became derailed.	1
15026	May 29	C.N.R.	Pinewood, Ont.	Engine back-fired.	1
15053	July 7	C.N.R.	Millidge, Quibell Sub., Ont.	Shaking grates.	1
14325	Feb. 7	C.N.R.	Baker Brook, N.B.	Injector broke.	1
15089	Aug. 29	C.P.R.	Peterboro, Ont.	Lifting spout out of manhole.	1
15096	Aug. 16	C.P.R.	Sicamous, B.C.	Shaker-bar slipped.	1
15116	Aug. 19	C.P.R.	Kamloops, B.C.	Caught foot in apron between engine and tender.	1
15117	Sept. 2	C.P.R.	Hamilton, Ont.	Placing flags.	1
15157	Aug. 14	C.N.R.	Napadogan, N.B.	Getting off engine, slipped.	1
15161	Sept. 10	C.N.R. & S.	St. Antonie, Que.	Dry-cock on engine blew off.	1
15163	Sept. 6	C.N.R.	Turcot Yard, Que.	Struck head on coal gate.	1
15172	Aug. 22	C.N.R.	Kingston Jct., Ont.	Attempted to climb on side of cab.	1
15176	Aug. 2	C.N.R.	Hornepayne, Ont.	Greasing engine.	1
15189	Sept. 4	C.N.R.	Aberdeen, Sask.	Shaking grates.	1
15190	Sept. 13	C.N.R.	Farlane, Ont.	Squirt hose fell on cinders.	1
15202	July 11	C.P.R.	Lake Louise, Alta.	Water glass exploded.	1
15205	Aug. 5	C.N.R.	Edmonton, Alta.	Water glass broke.	1
15208	Sept. 17	C.P.R.	Rennie, Man.	Squirt hose parted.	1
15286	Oct. 1	C.N.R.	Omamee Jct., Ont.	Rocker arm pin broke.	1
15289	Oct. 11	C.N.R.	North Parry, Ont.	Reversing engine.	1
15299	Oct. 23	C.P.R.	Havelock, Ont.	Getting off engine.	1
15303	Oct. 4	C.P.R.	Winnipeg, Man.	Getting on top of tender.	1
15318	Oct. 17	C.P.R.	Langenburg, Sask.	Engine gave sudden lurch.	1
15346	Nov. 11	A.C. & H.B.	Hawk Jct., Ont.	Examining water glass.	1
15357	Oct. 25	C.P.R.	Trenton, Ont.	Standing corner of apron.	1
15398	Nov. 21	C.N.R.	Toronto, Ont.	Jumped through cab window.	1
15415	Nov. 1	C.N.R.	Viking, Alta.	Trying to trip ashpan.	1
15418	Nov. 15	C.N.R.	Belle River, Ont.	Driver arm broke.	1
15454	Nov. 22	C.N.R.	Causapsal, Que.	Putting gauge glass in engine.	1
15464	Oct. 20	C.N.R.	Hanna, Alta.	Connections stripped off steam-pipe.	1
15485	Nov. 26	C.P.R.	Alyth, Calgary, Alta.	Getting off moving engine.	1
15506	Oct. 14	C.N.R.	Dott, Man.	Slipped when getting off tank.	1
15507	Oct. 10	C.N.R.	Superior Jct., Ont.	Hand caught on piece of tin.	1
15516	Oct. 1	C.N.R.	Loggieville, N.B.	Getting off engine, fell.	1
15536	Nov. 18	C.N.R.	Sydenham, Ont.	Stepped in manhole of engine.	1
15548	Oct. 20	C.N.R.	Cap aux Oies, Que.	Fell off train in motion.	1
15408	Oct. 11	C.N.R.	McIntosh, Ont.	Dumping ash-pan.	1
					3
					95

No. 11.—STATEMENT Showing the Number of Highway Crossing Accidents with the Total Number of Killed and Injured by Provinces for Year Ending December 31, 1924.

	Nova Scotia			New Brunswick			Quebec			Ontario			Manitoba			Saskatchewan			Alberta			British Columbia			Prince Edward Island			Total		
	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.			
Canadian Pacific.....				4	1	3	16	9	31	35	14	49	5	2	3	4	1	4	3	1	3	5	2	5				72	30	101
Canadian National.....	8	4	8	4		4	31	15	27	71	23	85	3	1	3	2		2	4		5	1		1			125	43	136	
Michigan Central.....										10	12	5															10	12	5	
Pere Marquette.....										4	2	4															4	2	4	
Brantford & Hamilton Electric.....										1		1															1	1	1	
Dominion Atlantic.....	1		1																								1	1	1	
Maine Central.....							1		1																		1	1	1	
Hamilton Radial Electric.....										2		2															2	2	2	
Toronto, Hamilton & Buffalo.....										2		3															2	2	2	
Montreal & Southern Counties.....							1		1																		1	1	1	
Windsor, Essex & Lake Shore.....										4	1	10															4	4	4	
Quebec, Montreal & Southern.....							1	1																			1	1	1	
Esquimalt & Nanaimo.....										4		9										3		3			3	3	3	
London & Port Stanley.....							1	1																			4	4	4	
Quebec Central.....																												1	1	1
Grand River.....										2		2															2	2	2	
Lake Erie & Northern.....										5	3	7															5	5	5	
New York Central.....							1	1	1																		1	1	1	
	9	4	9	8	1	7	52	27	64	140	55	177	8	3	6	6	1	6	7	1	8	9	2	9	1		240	91	287	

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No. 12.—STATEMENT showing highway crossings at which protection provided, the nature of protection, during period of twelve months ending December 31, 1924.

File Number	Order Number	Location of Crossing	Railway	Nature of Protection
27365-18	33985	26th Street, Brandon, Man.....	C.P.R.....	Remove obstructions; widen crossing; place advance warning signs; grade approaches.
9437-748	34656	Victoria Street, Twp. Stanford, Ont.....	C.N.R.....	Waste material removed.
26711-59	34660	Waterloo Rd. 3 mi. S. of Guelph, Ont.....	C.N.R.....	Knolls and trees removed.
9355-66	34662	Kipp Street, Nottetford, Alta.....	C.P.R.....	Signs erected. [Advance warning].
27156-72	34684	Main Street, Buckingham, Que.....	C.P.R.....	Switching movements to be flagged over crossing.
26765-25	34685	2nd Crossing east of Casselman, Ont.....	C.N.R.....	Cars to be kept back; when weather permits switch to be moved 20 feet east of Xing.
15725	34693	Horne Avenue, Mission, B.C.....	C.P.R.....	Brush removed; 10 miles an hour speed limitation maintained.
26744-34	.....	1st crossing west of Beach Jet., Man.....	C.N.R.....	Approaches graded and brought up to standard.
10821-36-1	34736	Crossing at Alix South Junction, Alta.....	C.N.R.....	Scrub cut down.
27156-71	34747	Crossing Mil. 52-2, Trois Rivières Sd., Que.....	C.P.R.....	Cars to be kept back 200 feet; if siding not long enough to permit member of crew to act as watchman.
11738-152	.....	Crossing M.O. 65, Princeton Sd., C.P.R.....	C.P.R.....	Speed limitation 6 miles per hour over this and other crossings between South Penticton and Penticton Station.
33075	34770	Main Street, Cookshire, Que.....	C.P.R. and Me. C.	Bell and wig-wag installed for main line movements; train movements over crossings on the sidings to be flagged.
26765-264	34784	1st crossing east of Wales, Ont.....	C.N.R.....	Bell and wig-wag installed.
26765-63	34800	London Rd. 2½ mi. E. of Sarnia, Ont.....	C.N.R.....	Trees cut down.
9437-109	34801	Cherry Street, Toronto, Ont.....	C.P.R.....	10 miles an hour speed limitation maintained between 7 p.m. and 7 a.m.
26283	34808	Clarence Ave., R. Mun. of Fort Garry, Man.....	C.N.R.....	Brush cut down.
26782-31	34833	1st public crossing east of Glenada, Que.....	C.N.R.....	Crossing sign, whistle boards and advance warning signs erected.
9437-1234	34838	Rebecca Street, Hamilton, Ont.....	C.N.R.....	6 miles per hour speed limitation maintained.
27218-11	.....	Wilson's crossing, M.P. 7, Thorburn Sd., N.S.....	C.N.R.....	Crossing sign and whistle posts installed.
22032-1	34855	Main Street, Hamilton, Ont.....	T.H. & B. & H. S.R.	Watchmen between 6 a.m. and 12 midnight daily to operate interlocking plant and take care of street traffic.
26765-257	34757	Kerr Street, Oakville, Ont.....	C.N.R.....	Ridge of earth removed, trees and small bushes cut down.
26727-128	34865	Crossing just east of Fordwich Stn., Ont.....	C.P.R.....	Tool house and pine trees removed; trees on each side of roadway trimmed.
9437-84	34874	Crossing one mile west of Georgetown, Ont.....	C.N.R.....	Trees cut down.
9437-1262	.....	Crossings Comox Rd. to Creamery Rd., inclusive, Nanaimo, B.C.	E. & N.R.....	10 miles an hour speed limitation maintained on all crossings.
33229	.....	Andrew Street, Campbellton, N.B.	C.N.R.....	Bell moved to more suitable place near crossing. Cars to be kept back.

No. 12.—STATEMENT showing highway crossings at which protection provided, the nature of protection, during period of twelve months ending December 31, 1924.—*Concluded.*

File Number	Order Number	Location of Crossing	Railway	Nature of Protection
9437-804	34943	Burford Rd., west of Brantford, Ont.....	C.N.R. & T.	Obstructions removed.
26711-60	34953	Pub. Xng. bet. Con. 6 and 7 Twp. Georgina, Ont.....	H. & B.	Trees cut down.
15156	34964	1st crossing east of Colborne, Ont.....	C.N.R.	Trees removed. Cars kept back 400 feet from road allowance.
26782-28		Jackman Rd., Carriere Jet., Que.....	C.N.R.	Advance warning signs erected.
27652-22		1st crossing north of Stottsville, Que.....	C.N.R.	Slow order maintained.
26782-36	35025	Xng. 6 poles E. of M.P. 68 Murray Bay Sd., Que.....	C.N.R.	Crossing sign erected.
31671	35056	Parent Road, Ford, Ont.....	C.N.R.	Cars on siding kept back 200 feet from street line both east and west.
26744-33	35068	Xng. S. of S. switch at Manlius, Man.....	C.N.R.	Trees removed.
26711-66	35080	1st crossing ¼ mile N. of Palgrave, Ont.....	C.N.R.	Embankment cut down.
26711-82		Anglin's Crossing (private) Kingston, Ont.....	C.P.R.	Slow order 10 miles an hour maintained.
26782-37		St. Francois Street, La Tuque, Que.....	C.N.R.	Speed limitation 10 miles an hour maintained.
26782-32	35131	1st crossing E. of St. Paulin, Que.....	C.N.R.	Warning signs erected.
9437-211	35154	Base Line Crossing ½ mile E. of Whitby Jet., Ont.....	C.N.R.	Cars on siding must be 600 feet clear; train standing on north passing track must be protected by temporary flagman.
14696	35176	Cannon Street East, Hamilton, Ont.....	T.H. & B.	Watchman from 9 a.m. to 8 p.m. daily, except Sunday.
29595	35177	King Street, Hamilton, Ont.....	T.H. & B.	Watchman from 9 a.m. to 8 p.m. daily, except Sunday.
9437-1011	35181	Emerson Street, Twp., Ancaster, Ont.....	T.H. & B.	Bell and wig-wag installed.
26727-130	35211	Crossing mi. 62.9, Glenannan Stn., Ont.....	C.P.R.	Snow fences and trees taken down and removed.
9437-283	35222	Wellington Street, Chatham, Ont.....	C.P.R.	Planking repaired and board fence replaced by wire fence.
26765-65	35225	Xng. imm. west of Stn. at Dorchester, Ont.....	C.N.R.	Bell and wig-wag installed.
26765-49	35252	Hespeler Rd., 2 miles N. of Galt, Ont.....	C.N.R.	Embankment and board fence removed.
26765-85	35281	Ottawa Street, Hamilton, Ont.....	H.R.F.	10 miles an hour speed limitation maintained.
30213-5	35283	Crossing east of Matzqui Stn., B.C.....	C.N.R.	Approaches graded up to standard; warning signs erected.
33228-2	35292	Sunny Brae Crossing, Sunny Brae, N.B.....	C.N.R.	Wig-wag added to bell; whistle post installed.
27073-21	35294	1st crossing W. of Deroche, B.C.....	C.P.R.	Cars kept back 75 feet from highway.
26711-88	35307	Zorra Street, Beachville, Ont.....	C.N.R.	Wig-wag added to present bell.
32453	35308	{Bloor Street, Toronto, Ont.....	C.N.R. & {	Subway.
		{Royce Avenue, Toronto, Ont.....	C.P.R. {	Subway.
9437-364	35310	Crossing on N. Rge. of St. Ephrem d'Upton, Que.....	C.N.R.	Approaches improved.
13019	35315	Queen Street, Brampton, Ont.....	C.N.R.	Wig-wag added to bell already installed.
27073-13	35330	Rosehill Ave., mi. 78.4 Victoria Sd., B.C.....	E. & N.R.	Scrub cleared away.
26711-84	35333	Stanley Street, St. Davids, Ont.....	C.N.R.	Part of fence and embankment removed.
23195	35340-35180	Broadway Avenue, Twp. of Ancaster, Ont.....	T.H. & B.	Bell installed.
27218-13		Perry Street, Sydney, N.S.....	C.N.R.	Crossing signs erected.
26782-41	35347	Crossing just S. of St. Martins Jct., Que.....	C.N.R.	Cars kept back clear of street line.
26711-70	35376	Montreuil Rd., Ford, Ont.....	C.N.R.	Gates to be operated by day and night watchmen.

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26842-39	35377	1st crossing west of Waterford, Ont.....	M.C.R.....	Embankment, shrubbery and bushes cut down.
27467-37		Crossing M.P. 260 Togo Subdivision, Man.....	C.N.R.....	Approaches brought up to standard.
10298-1		Crossing M.P. 92-4, Wetaskiwin Sd., Alta.....	C.P.R.....	Approaches brought up to standard.
2439		Crossing M.P. 44-96, Bala Sd., Ont.....	C.N.R.....	Brush and trees cut down.
9437-323	35392	Crossing just E. of Valois Stn., Que.....	C.N.R.....	10 miles an hour speed limitation maintained on east-bound movements.
28786-7	35445	Crossing west of Cereal Stn., Alta.....	C.N.R.....	Flagging by one of crew.
8463	35450	Crossing just E. of Aberdeen, Sask.....	C.N.R.....	Standard crossing sign erected.
26727-132	35458	Crossing Mil. 5-5, St. Thomas Sd., Ont.....	C.P.R.....	Trees trimmed and cut down.
33313		Victoria Street, New Glasgow, N.S.....	C.N.R.....	Crossing sign erected.
33314		Forbes Street, New Glasgow, N.S.....	C.N.R.....	Crossing sign erected.
18034-87		Mt. Pleasant Rd., just S. of Brantford, Ont.....	C.N.R.....	Advance warning signs erected.
26765-185	35484	Rochester Street, Ottawa, Ont.....	C.N.R.....	Cars not to be placed near crossing; crossing sign moved to other side of main track.
27136-73	35493	Xng 1 mile N. of Canrobert Stn., Que.....	C.P.R.....	Shrubbery cut down.
27318-5	35539	Townsend Street, Simcoe, Ont.....	L.E. & N.....	Portion of embankment cut down and shelter removed from east to west side.
26807-32	35533	1st crossing W. of Limerick, Sask.....	C.P.R.....	Crossing sign repaired.
26727-137	35542	Parkdale Avenue, Ottawa Terminals, Ont.....	C.P.R.....	Crossing sign board removed to new location.
618-27-1	35515	Xng Mil. 106-4, Lacombe Sd., Alta.....	C.P.R.....	Snow fences moved out.
26711-96	35594	3rd crossing W. of Burlington, Ont.....	C.N.R.....	Approaches graded and brought up to standard.
27073-22		Xng mi. 37-2, Port Alberni Sd., B.C.....	E. & N.R.....	10 miles an hour speed limitation maintained.
27929-18		Grand Avenue, Chatham, Ont.....	P.M.R.....	Cars to be kept clear of street line and clear of crossing switch north of crossing.
28116-3-1	35601	Xng 1,000 feet S. of Cottam, Ont.....	W.E. & L.S.....	Crossing sign erected.
30394	35616	Xng Lot 7, Con. 2, S. of Dundas St. Twp. Toronto.....	C.N.R.....	Approaches to be graded 1 in 20.
26711-101	35619	Crossing just W. of Scarboro, Ont.....	C.N.R.....	Advance warning signs erected; shelter moved to point northwest of highway.
27156-8	35624	Crossing 1 miles W. of Hull West, Que.....	C.P.R.....	New Automatic bell and wig-wag installed.
27156-80	35639	Xng about 1/2 mi. E. of Alstonvale, Que.....	C.P.R.....	Trees trimmed; earth removed.
26711-103	35613	Crossing just S. of Pinkerton, Ont.....	C.N.R.....	Shrubbery cut down and trimmed.
26727-139	35644	Crossing just N. of Berkeley, Ont.....	C.P.R.....	Trees cut down and lumber piles removed..
26765-29	35649	Crossing west of Tillsonburg, Stn., Ont.....	C.N.R.....	Crossing sign erected.
26711-98	35682	1st crossing W. of Waubane Bridge E. of London.....	C.N.R.....	Trees cut; approaches brought up to standard.
33229-5	35683	Xng 1/2 miles E. of Petitcodiac, N.B.....	C.N.R.....	Cattle guards and whistle posts installed.
26711-93		McLachlan Street, Arnprior, Ont.....	C.N.R.....	10 miles an hour speed limitation maintained.
25136-1	35701	La Cote de la Reserve Xng., Chicoutimi, Que.....	C.N.R.....	Bell and wig-wag signal installed.
26842-12	35786	Xng Lot 294, Talbot Rd. Con. of Twp of Sandwich South, Ont.....	M.C.R.....	Wig-wag added to bell already installed.
27148-3		Xng at Springfield Ave. and Edward Boulevard, Greenfield Park, Quebec, Que.....	M. & S.C.....	Crossing signs erected.
9437-110	35818	Merry Street, Magog, Que.....	C.P.R.....	Wig-wag signal added to bell already installed.
9437-977		Concession Street, Havelock, Ont.....	C.P.R.....	Illuminated sign added to bell already installed.
26727-70		Xng Lot 3, Con. 7, Twp Nassagaweya, Ont.....	T.S.R.....	Electric transformer and pole moved to another location. High bank removed.
21823	35822	Marion Street, St. Boniface, Man.....	C.P.R.....	Brush cleared away.
27929-19		Park Avenue, Chatham, Ont.....	P.M.R.....	Advertising sign boards relocated. Trees trimmed.
22658		Xng Mil. 28-03, Webbwood Sd., Ont.....	C.P.R.....	Slow order maintained.
26711-95		1st public crossing E. of Markham, Ont.....	C.N.R.....	10 miles an hour speed limitation maintained.
9437-1083		Brock Rd. just E. of Puslinch, Ont.....	C.P.R.....	Advance warning signs erected.
3878-287	35893	Front Street, Trenton, Ont.....	C.N.R.....	Bell and wig-wag signal installed in lieu of watchmen and gates.

No. 13.—STATEMENT showing the number of highway crossings at which protection has been ordered, and the nature of protection set out by provinces, for twelve months ending December 31, 1924.

	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total
Removal of view obstructions (trees, banks, buildings, etc.).....			2	23	4		2	2	33
Widen crossing.....					1				1
Advance warning signs erected.....			3	3	1		1	1	9
Approaches graded.....			1	3	3		1	1	9
Highway crossing sign erected.....	3	1	3	2		1			10
Switching movements to be flagged.....			3	1			1		5
Switch to be moved farther back from crossing.....				1					1
Speed limitation maintained.....			3	7				4	14
Cars to be kept back required distance.....		1	2	5				1	9
Automatic bell and wig-wag.....			3	3					6
Whistle posts erected.....		3	1						4
Watchman between certain hours.....				3					3
Bell moved to more suitable location.....		1							1
Planking repaired and board fence replaced by wire fence.....				1					1
Wig-wag added to bell already installed.....		1	1	3					5
Subway.....				2					2
Automatic bell.....				1					1
Gates to be operated day and night.....				1					1
Highway crossing sign moved.....				2					2
Highway crossing sign repaired.....						1			1
Cattle guards installed.....		1							1
Illuminated sign added to bell already installed.....				1					1
Electric transformer and pole moved to new location.....				1					1
Advertising sign moved.....				1					1
Bell and wig-wag installed in lieu of watchman and gates.....				1					1
	3	8	22	65	9	2	5	9	123

No. 14.—STATEMENT showing number of persons killed and injured at public highway crossings, separately, for twelve months ending December 31, 1920; twelve months ending December 31, 1921; twelve months ending December 31, 1922; twelve months ending December 31, 1923, and twelve months ending December 31, 1924.

Year	Gates		Bell		Watchman		Unprotected		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Twelve months ending Dec. 31, 1920..	6	14	6	29	4	8	52	164	68	215
Twelve months ending Dec. 31, 1921..	5	13	14	27	1	8	50	166	70	214
Twelve months ending Dec. 31, 1922..	2	10	5	16	1	9	58	202	66	237
Twelve months ending Dec. 31, 1923..	2	20	13	43	1	8	48	255	64	326
Twelve months ending Dec. 31, 1924..	11	15	10	47	.....	5	73	220	94	287
	26	72	48	162	7	38	281	1,007	362	1,279

No. 15.—STATEMENT showing number of highway crossing accidents, the nature of same, for each and every year, separately for twelve months ending December 31, 1920, 1921, 1922, 1923, and 1924.

	Gates					Watchman					Bell					Unprotected					Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
	1920	1921	1922	1923	1924	Total	1920	1921	1922	1923	1924	Total	1920	1921	1922	1923	1924	Total	1920	1921	1922	1923	1924	Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
Automobile.....	4	3	2	6	2	17		2	4	2	5	3	16	17	15	10	21	30	93	93	92	95	125	133	538																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																

The total of 1,051 accidents covers 362 persons killed and 1,279 persons injured, as referred to in preceding statement.

No. 16.—STATEMENT showing the number of trespassers killed and injured by provinces and railways for year ending December 31, 1924.

—	Nova Scotia		New Brunswick		Quebec		Ontario		Manitoba		Saskatchewan		Alberta		British Columbia		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Canadian National.....	4	7	2	8	17	22	29	4	4	2	2	2	1	2	43	62
Canadian Pacific.....	1	1	3	5	13	8	1	8	4	2	4	5	9	31	41	
Toronto, Hamilton and Buffalo.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1	.....
Pere Marquette.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1	.....
Michigan Central.....	1	2	.....	.....	.....	.....	.....	.....	.....	1	.....
British Columbia Electric.....	1	.....
Essex Terminal.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1	.....
Grand River.....	1	1	.....	.....	.....	.....	.....	.....	.....	1	.....
Quebec Central.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....
Edmonton, Dunvegan & British Columbia.....	1	.....
Algoma Central and Hudson Bay.....	1	.....	.....	.....	.....	.....	.....	.....	1	.....
Kettle Valley.....	1	.....
Great Northern.....	1	.....
	4	7	3	1	13	22	40	41	5	12	4	4	6	9	12	84	109	

No. 17.—STATEMENT showing the number of persons killed and injured on the various railways under the jurisdiction of the Board from April 1, 1916, to March 31, 1919, nine months ending December 31, 1919, and for years ending December 31, 1920, 1921, 1922, 1923 and 1924.

Year	Passengers		Employees		Others		Total	
	K.	I.	K.	I.	K.	I.	K.	I.
1916.....	17	140	120	788	200	197	337	1,125
1917.....	16	280	155	1,174	212	239	383	1,693
1918.....	22	342	137	1,220	174	268	333	1,830
1919.....	28	202	117	1,344	119	267	264	1,813
1919—9 months.....	4	274	91	951	128	277	223	1,502
1920.....	17	379	80	1,570	157	381	254	2,330
1921.....	4	240	91	1,344	148	344	243	1,928
1922.....	5	376	83	2,084	155	396	243	2,856
1923.....	15	558	122	2,542	158	497	295	3,597
1924.....	17	385	107	2,398	194	471	318	3,254
	145	3,176	1,103	15,415	1,645	3,337	2,893	21,928

No. 18.—STATEMENT showing the number of persons killed and injured in the more prominent accidents on the various railways under the jurisdiction of the Board shown separately for years ending December 31, 1920, 1921, 1922, 1923 and 1924.

	1920		1921		1922		1923		1924		Total	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	11	316	12	159	10	215	10	381	13	203	56	1,274
Collision head-on.....		66	2	33		64	6	48	5	32	13	243
Collision rear-end.....	14	58	2	28	3	30	6	87	1	35	26	238
Collision in yard.....	2	45	1	43	1	57	5	48	2	68	11	261
Collision with cars, open switch.....		21	2	6		6		7		1	2	41
Collision with cars standing foul.....		4		16		5	1	2		2	1	29
Collision at level (diamond) crossing.....		4		7		13	2	20		1	2	45
Highway crossing protected.....	16	51	20	48	8	35	16	71	21	67	81	272
Highway crossing unprotected.....	52	164	50	166	58	202	48	255	73	220	281	1,007
Adjusting couplers, coupling, etc.....	6	101		69	5	79	7	107	3	94	21	450
Trespassing.....	73	120	64	91	71	90	76	98	84	109	368	508
Hand car, motor, struck by train.....	6	44	9	59	10	38	5	38	6	27	36	206
Struck by switch stand, etc.....		43	1	31		42	1	32		26	2	174
Crushed between cars and buildings.....		16	2	8	2	16		14		15	4	69
Falling off passenger tr.	3	24	3	18	1	13	5	16	5	22	17	93
Falling off top of car....	3	33	3	16	2	53	2	84	8	40	18	226
Falling between cars....	3	2	2	7	3	11	2	11	5	6	15	37
Jumping off train in motion.....	4	62	3	64	8	117	7	90	4	100	26	433
Attempt to board train in motion.....		57	3	38	1	62	5	63	3	65	12	285
Run down by engine or car.....	26	76	18	57	26	62	42	79	30	59	142	333
Explosion of locomotive boiler.....						7	2	4		12	2	23
	219	1,307	197	964	209	1,217	248	1,555	263	1,204	1,136	6,247

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No. 19.—STATEMENT showing number of cars inspected together with defects for twelve months ending December 31, 1924.

Name of Railway	Cars inspected	Cars defective	Per cent defective	Grand total defects	Couplers and parts	Per cent defective	Uncoupling mechanism	Per cent defective	Handholds	Per cent defective
Canadian Pacific.....	46,184	1,459	3.15	1,549	26	1.67	240	15.49	77	4.97
Canadian National.....	52,147	2,240	4.29	2,470	49	1.98	419	16.96	111	4.49
Pere Marquette.....	400	16	4.00	17						
Edmonton, Dunvegan and B.C.....	150	12	8.00	16	2	12.50	2	12.50		
Kettle Valley.....	217	6	2.76	6						
Great Northern.....	517	15	2.90	17						
Toronto, Hamilton and Buffalo.....	300	8	2.66	9						
Esquimalt and Nanaimo.....	150	16	10.66	18					9	50.00
Michigan Central.....	1,750	34	1.94	36						
London and Port Stanley.....	72	9	12.50	12						
Algoma Central and H. B.....	250	9	3.60	17					3	17.64
	102,137	3,824	3.74	4,167	77	1.84	675	16.19	200	4.79

Name of Railway	Air brakes	Per cent defective	Ladders	Per cent defective	Sill steps	Per cent defective	Height of couplers	Per cent defective	Miscellaneous	Per cent defective
Canadian Pacific.....	631	40.73	93	6.00	77	4.97	9	0.58	396	25.56
Canadian National.....	1,191	48.21	40	1.61	150	6.07	23	0.93	487	19.71
Pere Marquette.....	8	47.05							9	52.94
Edmonton, Dunvegan and B. C.....	7	43.75			3	18.75			2	12.50
Kettle Valley.....	1	16.66	2	33.33	1	16.66			2	33.33
Great Northern.....	4	23.52			2	11.76	1	5.88	8	47.05
Toronto, Hamilton and Buffalo.....	3	33.33							6	66.66
Esquimalt and Nanaimo.....	2	11.11								
Michigan Central.....	15	41.66	1	2.77	4	22.22				
London and Port Stanley.....	6	50.00			3	8.33			13	36.11
Algoma Central and H. B.....	6	35.29			1	5.88			5	41.66
	1,874	44.97	136	3.26	241	5.78	33	0.79	931	22.34

No. 20.—STATEMENT showing defective safety appliances on freight cars as reported by the inspectors for twelve months ending December 31, 1924.

COUPLERS AND PARTS		AIR BRAKES	
Coupler body broken.....	2	Triple valve defective.....	5
Coupler body worn.....	-	Triple valve missing.....	-
Guard arm short.....	-	Reservoir defective.....	-
Knuckle broken.....	-	Reservoir loose.....	-
Knuckle worn.....	1	Cylinder defective.....	2
Knuckle missing.....	3	Cylinder loose.....	4
Knuckle pin broken.....	6	Cylinder and triple valve not cleaned within twelve months.....	165
Knuckle pin worn.....	-	Cylinder and triple valve not stencilled with date of cleaning.....	26
Knuckle pin bent.....	1	Cut-out cock defective.....	24
Knuckle pin missing.....	6	Release cock defective.....	4
Lock block broken.....	41	Release cock missing.....	2
Lock block worn.....	-	Release rod broken.....	30
Lock block wrong.....	-	Release rod missing.....	32
Lock block bent.....	-	Angle cock defective.....	18
Lock block inoperative.....	8	Angle cock missing.....	-
Lock block missing.....	6	Train pipe broken.....	12
Lock block key missing.....	2	Train pipe loose.....	77
Lock block trigger missing.....	1	Train pipe bracket missing.....	20
Total.....	77	Crossover pipe defective.....	2
UNCOUPLING MECHANISM		Hose defective.....	2
Uncoupling lever broken.....	24	Hose missing.....	10
Uncoupling lever wrong.....	24	Hose gasket missing.....	-
Uncoupling lever bent.....	49	Retaining valve defective.....	14
Uncoupling lever incorrectly applied.....	108	Retaining valve missing.....	1
Uncoupling lever missing.....	11	Retaining pipe defective.....	74
Uncoupling chain broken.....	382	Retaining pipe missing.....	4
Uncoupling chain too long.....	9	Brake rigging defective.....	527
Uncoupling chain too short.....	5	Brake cut out.....	814
Uncoupling chain kinked.....	2	Brake cut out; card old.....	4
Uncoupling chain missing.....	50	No brake of any kind.....	-
End casting broken.....	5	Pump missing.....	1
End casting wrong.....	1	Total.....	1,874
End casting bent.....	-	LADDERS	
End casting loose.....	2	Ladder round broken.....	9
End casting incorrectly applied.....	1	Ladder round bent.....	53
End casting missing.....	1	Ladder round loose.....	68
Keeper broken.....	1	Ladder round missing.....	-
Keeper wrong.....	-	Ladder loose.....	6
Keeper bent.....	-	Ladder incorrectly applied.....	-
Keeper loose.....	-	Total.....	136
Keeper incorrectly applied.....	-	SILL STEPS	
Keeper missing.....	-	Sill step broken.....	7
Angle clip loose.....	-	Sill step bent.....	189
Total.....	675	Sill step loose.....	37
HANDHOLDS		Sill step incorrectly applied.....	5
Handhold broken.....	22	Sill step missing.....	3
Handhold bent.....	123	Total.....	241
Handhold loose.....	46	MISCELLANECUS—Total.....	931
Handhold incorrectly applied.....	5	Grand Total.....	4,167
Handhold missing.....	4		
Total.....	200		
HEIGHT OF COUPLERS			
Coupler too high.....	6		
Coupler too low.....	16		
Carrier iron loose.....	11		
Total.....	33		

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No. 21-A.—STATEMENT of defects on freight cars shown separately for twelve months ending December 31, 1920, 1921, 1922, 1923 and 1924.

—	Twelve months ending Dec. 31, 1920	1921	1922	1923	1924	Total
Couplers and parts.....	139	89	114	80	77	499
Uncoupling mechanism.....	657	717	703	619	675	3,371
Handholds.....	123	234	205	164	200	926
Air brakes.....	2,318	2,925	2,696	2,007	1,874	11,820
Ladders.....	166	254	112	80	136	748
Sill steps.....	249	290	410	241	241	1,431
Height of couplers.....	21	44	62	57	33	217
Miscellaneous.....	97	330	229	563	931	2,150
	3,770	4,883	4,531	3,811	4,167	21,162

No. 21-B.—STATEMENT of cars inspected and defective shown separately for twelve months ending December 31, 1920, 1921, 1922, 1923 and 1924.

—	Twelve months ending Dec. 31, 1920	1921	1922	1923	1924	Total
Cars inspected.....	66,108	76,789	82,128	77,345	102,137	404,507
Cars defective.....	3,135	4,352	4,057	3,458	3,824	18,826
Percentage defective.....	4.74	5.66	4.94	4.47	3.74	4.65

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48. Staybolts.....	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1</
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APPENDIX " E "

REPORT OF THE CHIEF FIRE INSPECTOR OF THE BOARD FOR THE
YEAR ENDING DECEMBER 31, 1924

ORGANIZATION

During the year, 124 officials and employees of the several Dominion and provincial forest protective organizations have acted as local officers of the Board's Fire Inspection Department, under the co-operative arrangement inaugurated in 1912 and expanded from time to time. Arrangements for such co-operative local inspection were completed with the Government of Nova Scotia, thus completing our organization from coast to coast, with the exception of Prince Edward Island, which is not a forested province.

RAILWAY FIRE PATROLS

Continued improvement is evident in the handling of special fire patrols by railway companies, in accordance with directions issued under General Order No. 362 of the Board. More and more, such special patrols are being handled by selected members of section forces, subject to the conditions prescribed by this office, after consultation with the railways concerned. Where faithfully performed, this constitutes the most effective form of patrol, under most conditions.

RIGHT OF WAY CLEARING

In past years, heavy damage to forest areas has resulted from escape of fires set by section forces to clear right of way. This situation is improving steadily, though there is still room for considerable improvement. The Railway Act requires that rights of way shall be maintained free from dead and dry grass, weeds and other unnecessary combustible matter. The use of fire is essential to the accomplishment of this object. Section forces are being rapidly educated to the need for utmost care in such burning operations. This process of education has come in part from the railway managements, and in part through contact with our local inspectors, one of whose duties it is to regulate the conduct of burning operations through the issuance or withholding of permits to burn, in accordance with weather conditions. In the east, spring burning operations are very largely restricted to dry grass and light debris in piles. Experience shows that late fall is the safest time for the burning of old ties and other heavy debris along railways in Eastern Canada.

Fire Statistics

A grand total of 1,173 fires from all causes were reported as having originated within 300 feet of railway lines in forested territory along railways subject to the jurisdiction of the Board, as follows:—

Province	Number of Fires	Per Cent of Total
British Columbia.....	435	37.09
Prairie Provinces.....	286	24.39
Ontario.....	295	25.15
Quebec.....	51	4.34
New Brunswick.....	72	6.13
Nova Scotia.....	34	2.90
Prince Edward Island.....		
	1,173	100.00

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Of the grand total of fires, 499, or 42.5 per cent, are Class A fires, which burned over less than one-fourth acre each, doing no damage; while 674, or 57.5 per cent, are Class B (larger) fires, which burned over 33,942 acres and destroyed forest growth and forest products valued at \$146,780, and other property valued at \$22,161, a total of \$168,941.

Of the grand total, 963 fires, or 82.30 per cent, were definitely attributed to railway agencies; 97 fires, or 8.30 per cent, to known causes other than railways; and 113, or 9.40 per cent, to unknown causes.

Of the total area of 33,942 acres burned over, 89.73 per cent is chargeable to railway causes, 7.93 per cent to known causes other than railways; and 2.34 per cent to unknown causes.

Of the grand total area of 33,942 acres burned over, 41.90 per cent is classified as lands carrying young forest growth; 17.81 per cent as lands carrying stands of commercial timber; 12.74 per cent as cut-over or previously burned-over lands; and 27.55 per cent as non-forested and grass lands.

Of the total of \$168,941 damage, the railways are definitely charged with 75.86 per cent; 7.03 per cent of the damage is due to known causes other than railways, and 17.11 per cent to unknown causes.

Of the 963 fires which the railways are definitely charged with having caused, 698 or 59.60 per cent of the grand total, are attributed to sparks from locomotives, and 265 fires, or 22.70 per cent of the grand total, to railway employees.

SUMMARY of reports on fires in forest sections originating within 300 feet of track along railway lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, season of 1924.

	Canadian Pacific (Eastern Lines) (a)	Canadian Pacific (Western Lines) (b)	Canadian National (Atlantic Region) (c)	Canadian National (Central Region) (d)	Canadian National (Western Region) (e)	Algoma Central and Hudson Bay	Edmonton Dunvegan and British Columbia	Great Northern	Miscellaneous (f)	Totals
A.—RAILWAY FIRES										
1. Number by Causes—										
(a) Locomotives, Class A Fires.....	20	118	48	43	138	12	2	9	3	393
Locomotives, Class B Fires.....	25	120	23	14	101	3	8	3	8	305
(b) Employees, Class A Fires.....	7	4	2	10	13					36
Employees, Class B Fires.....	17	13	7	30	56	1	101		4	229
(c) Total of Class A Fires.....	27	122	56	53	151	12	2	9	3	429
Total of Class B Fires.....	42	133	30	44	157	4	109	3	12	531
Total of All Railway Fires.....	69	255	80	97	308	16	111	12	15	963
2. Areas burned (Acres)—										
(a) Young forest growth.....	1,134	6,069	60	343	2,664		3,021		4	13,295
(b) Timber land.....	188	1,168	19	424	1,035	202	2,438			5,474
(c) Slashing or old burn.....	78	645	42	251	1,701	300			50	3,067
(d) Other classes of land.....	51	1,855	32	58	1,011	1	5,461	40	110	8,619
(c) Total.....	1,451	9,737	153	1,076	6,411	503	10,920	40	164	30,455
3. Value of property destroyed—										
(a) Young forest growth.....	\$ 3,982	\$ 31,373	\$ 307	\$ 143	\$ 6,691	\$.....	\$ 12,965	\$.....	\$ 8	\$ 55,469
(b) Standing timber.....	341	41,304	190	441	2,539	201	20,350			65,366
(c) Forest products.....	611	504	10	60	839					2,024
(d) Other property.....	50	1,347	70	45	508		3,252	32	15	5,319
(c) Total.....	\$ 4,984	\$ 74,528	\$ 577	\$ 689	\$ 10,577	\$ 201	\$ 36,567	\$ 32	\$ 23	\$ 128,178
B.—KNOWN CAUSES OTHER THAN RAILWAY FIRES										
1. Number of Causes—										
(a) Campers and travelers, Class A Fires.....	1	5	1	6	7					20
Campers and travelers, Class B Fires.....	5	5		3	6		2		1	22
(b) Settlers, Class A Fires.....	1				1					2
Settlers, Class B Fires.....	2	3		5	11		4			25
(c) Other known causes, Class A Fires.....	1	3	1	2	1	1				9
Other known causes, Class B Fires.....	1	5	2	1	6	1	1	1	1	19

SUMMARY of reports on fires in forest sections originating within 300 feet of track along railway lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, season, of 1924.—*Concluded.*

	Canadian Pacific (Eastern Lines) (a)	Canadian Pacific (Western Lines) (b)	Canadian National (Atlantic Region) (c)	Canadian National (Central Region) (d)	Canadian National (Western Region) (e)	Algoma Central and Hudson Bay	Edmon- ton Dunvegan and British Columbia	Great Northern	Miscel- laneous (f)	Totals
D.—GRAND TOTALS FOR ALL CAUSES										
1. <i>Number</i> —										
(a) Total of all Class A Fires.....	31	142	57	63	176	15	2	10	3	499
(b) Total of all Class B Fires.....	66	178	33	58	192	10	116	5	16	674
(c) Total of all fires reported.....	97	320	90	121	368	25	118	15	19	1,173
2. <i>Areas burned (Acres)</i> —										
(a) Young forest growth.....	1,217	6,789	60	349	2,741	1	3,061	.....	5	14,223
(b) Timber land.....	188	1,175	30	424	1,150	625	2,453	.....	.....	6,045
(c) Slashing or old burn.....	489	934	42	373	1,735	700	.....	2	50	4,325
(d) Other classes of land.....	110	1,930	33	75	1,351	1	5,687	44	118	9,349
(e) Total.....	2,004	10,828	165	1,221	6,977	1,327	11,201	46	173	33,942
3. <i>Value of property destroyed</i> —										
(a) Young forest growth.....	\$ 4,150	\$ 31,893	\$ 307	\$ 156	\$ 6,867	\$ 101	\$ 13,103	\$.....	\$ 14	\$ 56,591
(b) Standing timber.....	341	41,324	251	441	2,739	804	20,410	.....	.....	66,310
(c) Forest products.....	14,721	504	10	610	1,164	.....	.....	6,870	.....	23,879
(d) Other property.....	76	14,684	1,070	68	1,944	150	3,677	127	365	22,161
(e) Total.....	\$ 19,288	\$ 88,405	\$ 1,638	\$ 1,275	\$ 12,714	\$ 1,055	\$ 37,190	\$ 6,997	\$ 379	\$ 168,941

(a) Includes Fredericton and Grand Lake Coal and Railway; New Brunswick Coal and Railway; and Dominion Atlantic and Quebec Central Railways.
(b) Includes Esquimalt and Nanaimo and Kettle Valley Railways.
(c) Includes Halifax and South Western Railway and portions of former Canadian Government Railways east of Riviere du Loup and Monk, Que.
(d) Includes portions of former Canadian Government Railways west of Riviere du Loup and Monk, Que., and east of Armstrong, Ontario.
(e) Includes portions of former Canadian Government Railways west of Armstrong, Ontario, (Transcontinental and Hudson Bay Railways).
(f) Includes following lines: Algoma Eastern; Atlantic, Quebec & Western; Maine Central; Quebec Oriental; Temiscouata and White Pass & Yukon Route.
NOTE—No fires were reported during 1924 as originating within 300 feet of track in forest sections along the following lines: Boston & Maine; Cumberland Railway and Coal Company; Maritime Coal, Railway & Power Co.; Nipissing Central; Ottawa & New York and Quebec, Montreal & Southern.
Class A fires are those which cover an area of less than one-fourth acre.
Class B fires are those which cover an area of one-fourth acre or more.

FIRE-PROTECTIVE APPLIANCES ON LOCOMOTIVES

During the fire season of 1924, officers of the Fire Inspection Department inspected fire-protective appliances on 3,735 locomotives operating through forested territory. Of this total, the fire protective appliances on 124 locomotives, or 3.32 per cent, were found to be in a defective condition.

INSPECTIONS of Locomotive Fire-protective Appliances, 1924, by Fire
Inspection Department, B.R.C.

Railway	Province	Number Inspected	Number Defective	Per cent Defective
C.P.R. (Including N.B.C. & Ry. and F. & G.L.C. & Ry.).....	New Brunswick	77	6	7.79
C.P.R. (Including Quebec Central Ry.).....	Quebec.....	240	.....	.....
C.P.R.....	Ontario.....	847	15	1.77
C.P.R.....	Prairie Prov- inces.....	127	13	10.23
C.P.R.....	British Colum- bia.....	159	1	0.63
	Totals.....	1,450	35	2.41
C.N.R.....	New Brunswick	263	25	9.50
C.N.R.....	Quebec.....	332	1	0.30
C.N.R.....	Ontario.....	1,001	19	1.89
C.N.R.....	Prairie Provinces.....	332	26	7.83
C.N.R.....	British Columbia.....	154	.....	.....
	Totals.....	2,082	71	3.41
A.Q. & W. and Q.O.....	Quebec.....	20	1	5.00
A.C. & H.B.....	Ontario.....	45	.....	.....
Algoma Eastern.....	Ontario.....	15	.....	.....
Boston & Maine.....	Quebec.....	3	.....	.....
Delaware & Hudson.....	Quebec.....	2	2	100.00
E.D. & B.C.....	Alberta.....	29	7	24.14
Great Northern.....	Man. and B.C..	12	3	25.00
Kettle Valley.....	B.C.....	14	4	28.58
Maine Central.....	N.B. and Que..	3	.....	.....
Nipissing Central.....	Ontario.....	8	.....	.....
Q.M. & S.....	Quebec.....	20	.....	.....
Temiscouata.....	N.B. and Que..	14	.....	.....
Vancouver H'br. Commrs. Ry.....	British Columbia.....	3	1	33.3
W.P. Co. (B.C.E.).....	British Columbia.....	1	.....	.....
W.P. and Yukon Rte.....	B.C. and Yukon	14	.....	.....
Totals.....		203	18	8.86
Totals all railways.....		3,735	124	3.32

SUMMARY of Fireguard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan, and Alberta, 1924

	Edmonton Dunvegan and British Columbia and Central Canada	Great Northern	Canadian National	Canadian Pacific	Totals
Length in track miles.....	506.50	162.38	8,080.07	6,843.52	15,592.47
Length in fireguard miles (1).....	1,013.00	324.76	16,160.14	13,687.04	31,184.94
Fire-guards constructed (shown in fire-guard miles)—					
Grain stubble lands } Fireguarded	35.00	200.50	1,830.55	1,905.05	3,971.10
Cultivated hay lands } by owner	4.50	40.00	216.30	187.50	448.30
Fenced grazing lands.....	11.30	49.00	1,161.61	2,160.12	3,382.03
Wild lands.....	7.40	0.50	1,167.53	1,621.70	2,797.13
Total miles of fireguards constructed.....	58.20	290.00	4,375.99	5,874.37	10,598.56
Fireguards not constructed (shown in fire-guard miles)—					
Exemptions (2).....	671.80	30.00	6,116.27	2,992.46	9,810.53
Owner refuses to allow construction (3)			14.60	25.67	40.27
Unnecessary; land already plowed (4)	21.90		1,479.47	1,503.78	3,005.15
Grain stubble lands } Not fireguarded	114.40		3,367.78	2,486.28	5,968.46
Cultivated hay lands } by owner (5)	21.30		368.67	191.06	581.03
Miscellaneous other reasons.....	125.40	4.76	437.36	613.42	1,180.94
Total miles of fireguarded not constructed.....	954.80	34.76	11,784.15	7,812.67	20,586.38

(1) Fireguard mileage is double the track mileage, since the construction of fireguards is required on both sides of the track.
(2) Company exempted from fireguard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.
(3) Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fireguards.
(4) Fireguarding unnecessary, because fields already plowed.
(5) Fireguarding in grain stubble and in cultivated hay lands required only where the land owner or occupant will undertake to plow guard at the reasonable price specified by the Board, to be paid by the railway company.

FIREGUARD STATISTICS

The statistical fireguard report for 1924 (preceding) shows an increase during the year of 330.70 track miles in the Prairie Provinces, making a total of 15,592.47 track miles in these three provinces subject to the fireguard requirements. This represents 31,184.94 fireguard miles, since fireguards are required to be maintained on both sides of the track.

Fireguards constructed or maintained during the year total 10,598.56 miles. Guards not constructed, for various reasons, total 20,586.38. Of the latter, there were exempted by this department 9,810.53 miles; owner of land refused to allow construction, 40.27 miles; land already ploughed, 3,005.15 miles; grain stubble and cultivated hay lands not fireguarded by owner, 6,549.49 miles. Thus, as to a total of 19,405.44 miles of fireguards not constructed, the reasons assigned by the railways were considered acceptable, leaving 1,180.94 miles unaccounted for, of which at least a considerable proportion should presumably have been fireguarded.

APPENDIX " F "

LIST of Cases Appealed to the Supreme Court of Canada, from February 1, 1904, to December 31, 1924

File No.	Subject	Decision
643	Montreal Terminal Ry. <i>vs.</i> Montreal Street Ry. Pius IX Ave., upon question of jurisdiction.....	Allowed
1455	James Bay Ry. <i>vs.</i> G.T.R., undercrossing at a point near Beaverton, Ont., lot 13, Con. 7, Twp. of Thorah.....	Dismissed
1492	James Bay Ry. <i>vs.</i> G.T.R. crossing Belt Line Spur, Question of Law.....	Dismissed
383	Ottawa Electric Railway and City of Ottawa <i>vs.</i> Canada Atlantic Ry., <i>re</i> Bank Street Subway, Ottawa, Question of Law.....	Dismissed
1621	Toronto Ry. Co., against Order 7813, July 3rd, 1909, <i>re</i> high level bridge over Don Improvement and tracks of G.T.R. and C.P.R., Toronto. Question of Jurisdiction.....	Dismissed
588	<i>Re</i> Toronto Union Station, A. R. Williams expropriation. Question of Jurisdiction.....	Dismissed
C. 1680	Essex Terminal Ry. and W.E. & L.S.R. Ry. crossing in the Twp. of Sandwich, Ont. Question of law.....	Dismissed
C. 1309	Robinson <i>vs.</i> G.T.R., Two-cent rate. Question of law.....	Dismissed
689	C.P.R. <i>vs.</i> G.T.R., <i>re</i> branch line at London, Ont., Question of Jurisdiction.	Dismissed
1497	T. D. Robinson <i>vs.</i> C.N.R., Spur at Winnipeg. Question of Jurisdiction....	Dismissed
9527	Montreal Street Ry., <i>re</i> rates, Mount Royal Ward. Question of Jurisdiction.	Allowed
C. 1419	Ontario Department of Agriculture <i>vs.</i> G.T.R., <i>re</i> station at Vineland, Ont., Jurisdiction.....	Dismissed
C. 3322	<i>Re</i> Toronto Viaduct—Appeal of C.P.R., on question of law.....	Dismissed
C. 4897	<i>Re</i> fencing and cattle guards, Order 7473, Appeal of C.N.R. upon question of jurisdiction.....	Allowed.
C. 4492	City of Toronto <i>vs.</i> G.T.R. and C.P.R. <i>re</i> commutation rates. Question of law.....	Withdrawn
C. 3378	City of Ottawa and County of Carleton <i>re</i> Richmond Road Viaduct. Question of jurisdiction.....	Dismissed
2545	G.T.R. and C.N.O.R., <i>re</i> spur in Twp. of Carboro, Ont. Question of jurisdiction.....	Dismissed
13079	G.T.R. <i>vs.</i> British American Oil Cos., <i>re</i> oil rates. Question of law.....	Dismissed
C. 3269	G.T.P.R. <i>vs.</i> City of Fort William, Ont., <i>re</i> location. Question of jurisdiction.....	Dismissed
1319	N. St. C. & T. Ry. <i>vs.</i> Davy. Question of jurisdiction.....	Allowed
11965	Clover Bar Coal Co., and Wm. Humberstone <i>vs.</i> G.T.P. and the Clover Bar Sand and Gravel Co. Question of jurisdiction.....	Dismissed
15580	Regina Rates Case. Question of law.....	Dismissed
12682	G.T.P.R., <i>vs.</i> A. E. Purcell of Saskatoon, Sask. Question of jurisdiction....	Dismissed
17963	C.P.R. <i>vs.</i> British American Oil Companies. Question of jurisdiction.....	Dismissed
C. 3269	G.T.R. and C.P.R. <i>vs.</i> Canadian Oil Companies. Question of jurisdiction.....	Dismissed
15530	B.C. Electric Ry., V.V. & E. Ry. <i>vs.</i> City of Vancouver, B.C., Question of Jurisdiction.....	Dismissed
15530-1	E. B. Chambers and W. B. G. Phair <i>vs.</i> C.P.R. Question of jurisdiction....	Allowed
20062	C.N.R. <i>vs.</i> Wm. A. Taylor. Question of jurisdiction.....	Dismissed
27095	G.T.R. <i>vs.</i> City of Edmonton. Question of law.....	Dismissed
1487	Montreal Tramways and M.P. & I. Ry. <i>vs.</i> Lachine, Jacques Cartier and Maisonneuve Ry. Jurisdiction.....	Allowed
18578	City of Hamilton <i>vs.</i> T.H. & B. Ry. Question of jurisdiction.....	Allowed
19435	G.T.R. <i>vs.</i> Hepworth Silica Pressed Brick Co. Question of law.....	Dismissed
14329-9	Toronto Ry. Co. and City of Toronto <i>vs.</i> C.P.R. Question of law and jurisdiction.....	Dismissed
23009	City of Edmonton <i>vs.</i> E. D. & B.C. Ry. Question of law.....	Dismissed
21428	Ingersoll Tel. Co., and others <i>vs.</i> Bell Tel. Co. Question of law.....	Dismissed
12021-70	G.T.R. <i>vs.</i> Bourassa of Laprairie, Que. Question of law and jurisdiction...	Withdrawn
9437-153	G.N.W. Telg. Co., submits for opinion of Court, a question of law involved in matter of General Order No. 162.....	Abandoned
C. 3935	Gov't of Manitoba and J. S. Ashdown Hardware Co., <i>re</i> 15% increase in freight rates. Question of jurisdiction.....	Abandoned
16171	C.P.R. <i>vs.</i> Dept. of Public Works for Ontario, <i>re</i> crossing in Twp. of Kirkpatrick. Question of law.....	Withdrawn
27524	Esquimalt and Nanaimo Ry. <i>re</i> right of City of Victoria to have access over the bridge at Victoria Harbour. Question of jurisdiction.....	Abandoned
13622	Munic. of Burnaby, B.C. <i>vs.</i> British Columbia Elec. Ry. <i>re</i> commutation rates. Jurisdiction.....	Abandoned
27840	City of Toronto <i>vs.</i> Toronto Terminal Ry. <i>re</i> pressure pipes under Bay, Scott and Yonge Sts., Toronto. Question of law.....	Dismissed

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to December 31, 1924—*Concluded*

File No.	Subject	Decision
C. 3378	Applic. of Mr. Wagenast for a stated case in <i>re</i> Brampton commutation rates. Question of law.....	Dismissed
C. 2987	Ottawa Elec. Ry. against Order of the Board disallowing proposed increase in passenger rates. Question of jurisdiction.....	Allowed
21404·6	Board submits stated case for the opinion of the Court on question of jurisdiction in the matter of British Columbia Elec. Ry. Co's application for increased rates.....	Abandoned
28140	Appeal of C.P.R. Co. upon a question of law arising out of the application of Dept. of Lands Forests and Mines, Prov. of Ontario, for an Order directing the C.P.R. Co. to provide and construct an overhead crossing at its expense between lots 6 and 7, Con. 1, Twp. of Eton, Ont. April 1st, 1922. Appeal allowed with cost. Question answered in the negative....	Allowed
30381	V. V. & E. Ry. & Nav. Co. <i>vs.</i> Vancouver Harbour Commissioners and the C.N. Rys., from Order of the Board No. 31647 dated Oct. 15th, 1921. Question of jurisdiction.....	Dismissed
31351·1	Application of Luscar Collieries, Limited for leave to appeal on the question of jurisdiction, from Order of the Board dated May 23rd, 1924, in the matter of Luscar Collieries, Limited, <i>vs.</i> N. S. McDonald and the Canadian National Railways.....	Pending
32812·1	Appeal from the Governments of the Provinces of Alberta, Saskatchewan and Manitoba, from General Order of the Board No. 408, dated October 14th, 1924, with regard to the Crow's Nest Pass Rates.....	Pending

SUMMARY

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Allowed.....	9
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Pending.....	2
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List of Appeals to the Governor in Council, February 1, 1904, to December 31, 1924

Nile No.	Subject	Decision
399	Bay of Quinte Ry. crossing C.P.R. at Tweed, Ont.....	Allowed
1455	James Bay Ry. <i>vs.</i> G.T.R., crossing near Beaverton.....	Dismissed
1781	G.T.R. <i>vs.</i> City of Chatham, Ont. Street crossings.....	Dismissed
12992	Maniwaki Branch of C.P.R., train service from Ottawa.....	Referred back
2030	<i>Re</i> tariffs of certain Yukon Railways.....	Dismissed
17716	C.P.R.—Longue Point Spur through town of Maisonneuve, Que.....	Dismissed
18787	South Hazelton Townsite <i>vs.</i> G.T.P.R.	Referred back
3452·30	J. Y. Rochester <i>re</i> Cameron Bay <i>vs.</i> G.T.P.R.	Dismissed
12912	Park Ave. Subway, Town of St. Louis, Que. <i>vs.</i> C.P.R.....	Dismissed
17040	Lambton to Weston Spur and C.P.R.....	Abandoned
C. 3322	Toronto Viaduct Case.....	Dismissed
12021·70	City of Toronto <i>re</i> North Toronto Grade Separation.....	Dismissed
16177	C.P.R. <i>vs.</i> Mountain Lumber Manufacturers' Ass'n <i>re</i> lumber rates.....	Withdrawn
19024	Charles Miller of Toronto <i>vs.</i> G.T.P.R. <i>re</i> station at Prince George, B.C..	Dismissed
17716·10	C.P.R. <i>vs.</i> Town of Maisonneuve, Que. Highway Crossings.....	Dismissed
22681·25	City of Montreal <i>vs.</i> C.N.R. siding across Stadacona and Marlboro Sts., Montreal, Que.....	Abandoned
21418	City of Prince George, B.C. <i>re</i> location of G.T.P. R. station between Oak and Ash Streets.....	Dismissed
21660	C.N.O. Ry. <i>vs.</i> Twp. of Loughboro, Ont.....	Dismissed
26169	C.P.R. and C.N.R. Cos. <i>re</i> interswitching at Eastern Public Cattle Market, Montreal, Que.....	Abandoned
17040	C.P.R. <i>re</i> Lambton to Western Spur (2nd Appeal).....	Referred back
27693	City of Hamilton <i>vs.</i> G.T.R. <i>re</i> passenger service on Northern and N.W. Branch, between Hamilton and Burlington Beach and Town of Burlington, Ont.....	Abandoned

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LIST of Appeals to the Governor in Council, February 1, 1904, to December 31, 1924—*Concluded*

File No.	Subject	Decisions
27840	Winnipeg Board of Trade <i>re</i> 15% increase in freight rates.....	Dismissed
28439-3	Town of St. Lambert, Que., <i>re</i> increase in rates on the M. & S.C. Ry.....	Dismissed
28230	City of Hamilton, Ont., <i>re</i> Kinnear Yard.....	Referred back
29040-2	National Dairy Council of Canada on behalf of Canadian Association of Ice Cream Manufacturers, <i>re</i> classification of ice cream.....	Referred back
C. 955	Proprietors' League of Montreal, <i>re</i> increase in Bell Telephone rates...	Dismissed
30434	City of Windsor, Ont. for an Order rescinding Order of the Board No. 30028 authorizing C.P.R. Company to construct tracks of proposed freight shed at grade across unopened portion of Caron Ave., Windsor, Ont.	Dismissed
29996	City of Toronto, Ont., against General Order No. 308, authorizing a general increase in freight rates.....	Referred back
C. 955	City of Toronto, Ont., against Judgment of the Board dated April 13, 1921, providing for increase in Bell Telephone rates.....	Abandoned
23092-2	C.N.Q. Ry. Co. against Order of the Board No. 31312 <i>re</i> crossing Point aux Trembles Terminal Railway at point aux Trembles, Que.....	Pending
30380 Pt. 2	Appeal of the Corporation of the City of Toronto, Ont., against the ruling of the Board (General Order No. 327) with respect to express rates.....	Dismissed
30380-13	Appeal of the National Dairy Council of Canada from the decision of the Board and for an Order for the cancellation of the 20% increase in cream rates which was allowed temporarily to express companies on their application of July, 1920.....	Referred back
17112-27	Appeal of the Dominion Millers Association from the judgment of the Board, dated March 6, 1922, in the matter of flour arbitraries over wheat for export.....	Dismissed
29040-2	Appeal of the National Dairy Council of Canada on behalf of Canadian Ice Cream Manufacturers from Board's Order No. 28883, respecting express classification of ice cream.....	Dismissed
30686-2	Appeal of Provinces of Alberta and British Columbia to the Governor in Council from Order of the Board dated June 30, 1922, (General Order No. 366) in the matter of railway tolls.....	Referred back
30380-13	National Dairy Council of Canada against ruling of the Board of November 21, 1922, relative to the 20% increase in cream rates.....	Allowed
3025-16	N. St. C. & T. Ry. Co. against Order of the Board No. 33190 dated November 1, 1922, relative to the relocation of its line on Oak and Merritt Streets in the Town of Merritton, Ont.....	Pending
32812-1	Governments of the Provinces of Alberta, Saskatchewan and Manitoba from General Order of the Board No. 408 dated October 14, 1924, with regard to the Crow's Nest Pass Rates.....	P.C. 2220
	Allowed until decision of the Supreme Court.	

SUMMARY

Dismissed.....	19
Referred back.....	8
Abandoned.....	5
Withdrawn.....	1
Allowed.....	3
Pending.....	2
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APPENDIX " G "

LIST of General Orders and Circulars of the Board for the year ending
December 31, 1924

For Circular No. 204 see General Order No. 398.

CIRCULAR No. 205

April 15, 1924.

Re Duties of Railway Companies as to Fencing

File No. 27920.1

Numerous complaints are being made to the Board as to inefficient fencing by railway companies along their right of way, and it appears to the Board that, in many cases, these complaints are being viewed from the wrong standpoint.

For many years prior to 1911, the Railway Act contained a provision that, in some cases, fencing was not required unless specifically so ordered by the Board. This is found in the Railway Act, 1906, section 254, subsection (4), which reads as follows:—

"254. (4) Whenever the railway passes through any locality in which the lands on either side of the railway are not inclosed and either settled or improved, the company shall not be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs."

By chapter 22 of the Acts of 1911, section 9, subsection (4) of section 254 was repealed, and the following enacted in lieu thereof, viz:—

"4. The Board may, upon application made to it by the company, relieve the company, temporarily or otherwise, from erecting and maintaining such fences, gates and cattle-guards where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary."

This is found in the present Railway Act as section 274, subsection (4).

It will thus be seen that it is the duty of every railway company to fence every portion of its right of way unless specifically relieved from so doing by an order of the Board.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

GENERAL ORDER No. 387

In the matter of the General Order of the Board No. 378, dated April 13, 1923, amending the Uniform Rules Governing the Determination of Visual Acuity, Colour Perception, and Hearing of Railway Employees, as prescribed under General Order No. 94, dated July 24, 1912.

File No. 1750.17

TUESDAY, the 8th day of January, A.D. 1924.

Upon reading what is filed on behalf of the Canadian Pacific Railway Company,—

The Board orders: That the said General Order No. 378, dated April 13, 1923, be, and it is hereby, amended by striking out the word "not" before the words "less than 20-70" in clause 1 of the first paragraph of the order.

F. B. CARVELL,
Chief Commissioner.

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GENERAL ORDER No. 388

In the matter of the consideration of the question of a uniform rule for the application of mileage rates on carload freight from loading sidings when the mileage is not published.

File No. 8815.2

THURSDAY, the 20th day of December, A.D. 1923.

Upon reading the submissions filed on behalf of the Canadian Pacific, Canadian National, Quebec Central, Quebec, Montreal and Southern, Dominion Atlantic, Algoma Central and Hudson Bay, Toronto, Hamilton and Buffalo, Great Northern, Essex Terminal, Wabash, Quebec Oriental, Atlantic, Quebec and Western, Temiscouata, Thousand Islands, Boston and Maine, Central Vermont, Esquimalt and Nanaimo, Pere Marquette, and Kettle Valley Railway Companies, the Rutland, Michigan Central, Maine Central, and New York Central Railroad Companies, the Quebec Railway, Light and Power Company, International Bridge and Terminal Company, Cumberland Railway and Coal Company, Maritime Coal, Railway and Power Company, Limited, Canadian Manufacturers' Association, and the United Grain Growers, Limited,—

The Board orders: That all railway companies subject to the jurisdiction of the Board, within thirty days from the date of this order,—

(1) Publish an amendment to their Official Distance Tariffs issued in compliance with the order of the Board No. 5954, dated December 21, 1908, adding thereto a rule reading:

“In computing the distance governing traffic handled under mileage rates from loading stations not named herein, the mileage applicable from the nearest station thereto shall be used.”

(2) Publish, where not already done, the following clause in tariffs naming mileage rates:—

“In computing distance rates under this tariff, distance shown in Official Distance Table No., C.R.C. No., supplements thereto, and reissues thereof, will apply.”

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 389

In the matter of the General Order of the Board No. 78, dated July 14, 1911, prescribing the rules and instructions for the inspection and testing of locomotive boilers and their appurtenances, to be adopted and put in force by the railway companies subject to the jurisdiction of the Board

File No. 6948.5

MONDAY, the 21st day of January, A.D. 1924.

Upon the report and recommendation of the Mechanical Appliance Specialist of the Board, concurred in by its Chief Operating Officer, and reading what is filed on behalf of the Railway Association of Canada and the Brotherhood of Locomotive Firemen and Enginemen,—

The Board orders: That the said General Order No. 78, dated July 14, 1911, be, and it is hereby, amended by striking out clause 36 thereof, and substituting therefor the following, namely:—

Water and Lubricator Glass Shields.—Water gauge glass mountings on all locomotives must be protected by a strong cage made of aluminum, or brass metal, fitted with heavy reinforced plate glass shields three-eighths of an inch thick, with an outlet pipe attached to the bottom of the water gauge mounting which will allow the flow of steam from broken gauge glass to escape below the foot plate of the locomotive, or close to the foot plate itself.

“These appurtenances must be so located as to insure a correct reading of the level of the water in the boiler at all times, and be in full view of both the engineer and fireman, and the lights so placed that there will be a clear and unobstructed view of the water in the mounting.”

2. That the changes in the said appurtenances be made not later than January 1, 1926.

3. That the changes provided for by this order shall not apply to the Boston and Maine or the Maine Central Railway Companies, so long as they use the device approved by the Interstate Commerce Commission.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 390

In the Matter of the General Order of the Board No. 379, dated April 4, 1923, amending General Order No. 289, dated March 24, 1920, prescribing rules relative to the inspection of locomotives and tenders, attached thereto marked “A”:

File No. 21351.1

FRIDAY, the 25th day of January, A.D. 1924.

Upon its appearing that the exception contained in the said General Order No. 379 overrides the judgment of the Board of December 20, 1920, in regard to international movements arising out of an application made by the New York Central Railroad Company,—

The Board Orders: That the said General Order No. 379, dated April 4, 1923, be, and it is hereby, amended by striking out the words, “New York Central,” after the word “Rutland,” in the fifth line of clause 1 of paragraph 1 of the order.

2. That the New York Central Railroad Company equip and maintain on its locomotives operating in Canadian territory, pilots securely attached and braced in a safe and suitable condition for service, and as may be permitted by the inspection Rules and Regulations of the Interstate Commerce Commission.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER NO. 391

In the Matter of the complaint of the Dominion Millers' Association, per Mr C. B. Watts, Toronto, Ont., that the railway companies are charging two cents per one hundred pounds stop-off charge instead of one cent, on grain ex-lake for milling in transit and export to New York, in violation of General Order No. 354, dated January 4, 1922. File No. 8641.33.

THURSDAY, the 31st day of January, A.D. 1924.

Upon hearing the complaint at the sittings of the Board held in Ottawa, September 18, 1923, and upon reading the submissions filed,—

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The Board Orders: That the maximum stoff-off charges for milling grain in transit at stations within Canada shall be 1 cent per 100 pounds, regardless of the final destination of such traffic.

And the Board further Orders: That all railway companies subject to its jurisdiction shall amend their tariffs accordingly, effective not later than February 11, 1924; the said rate, however, not to be retroactive.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER NO. 392

In the Matter of the application of the Toronto Board of Trade, the Montreal Board of Trade, and the Canadian Manufacturers' Association, in pursuance of the right reserved by the General Order of the Board No. 380, dated May 16, 1923, for the same milling-in-transit privileges on dried peas as are accorded other grains. File No. 32580.

THURSDAY, the 7th day of February, A.D. 1924.

Upon hearing the application at the sittings of the Board held in Ottawa, November 20, 1923, in the presence of counsel and representatives for the applicants, H. Murtin, Limited, Guelph, Ont. the Canadian Pacific and Canadian National Railway Companies and the Canadian Freight Association, the evidence offered, and what was alleged,—

The Board Orders: That all railway companies subject to its jurisdiction, who publish tariffs covering milling-in-transit arrangements on grain, shall, effective not later than February 25, 1924, amend the said tariffs, extending the same arrangement on peas produced in Canada, for milling or other treatment.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER NO. 393

In the Matter of the application of the Bell Telephone Company of Canada, hereinafter called the "Applicant Company," under Section 375 of the Railway Act, 1919, for approval of its service station form of agreement (No. 651A), in substitution for the form (No. 651) approved by the General Order of the Board No. 375, dated March 17, 1923, on file with the Board under Case No. 538.

WEDNESDAY, the 13th day of February, A.D. 1924.

Upon reading what is filed in support of the application, and the report and recommendation of its Assistant Chief Traffic Officer,—

The Board Orders:

1. That the said service station form of agreement (No. 651A), to be entered into between the applicant company and any other company, municipality, or corporation having authority to construct or operate a telephone system or line, on file with the Board under Case No. 538, be, and it is hereby, approved.

2. That General Order No. 375, dated March 17, 1923, in so far as it approves the service station form of agreement No. 651, be, and it is hereby, rescinded.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER NO. 394

In the matter of the application of the Railway Association of Canada for an Order amending the General Order of the Board No. 78, dated July 14, 1911, prescribing the rules and instructions for the inspection and testing of locomotive boilers and their appurtenances: File No. 16513.

FRIDAY, the 8th day of February, A.D. 1924.

Upon reading what is filed in support of the application, the report and recommendation of its Chief Operating Officer, and the submissions filed on behalf of the railway companies affected,—

The Board Orders: That the said General Order No. 78, dated July 14, 1911, be, and it is hereby, amended by striking out clauses 5, 11, 18, and 19 thereof, and substituting the following, namely:—

“5. *Flues to be removed.*—All flues of boilers in service, except as otherwise provided, shall be removed at least every four years, and a thorough examination shall be made of the entire interior of the boiler. After the flues are taken out, the inside of the boiler must have the scale removed and be thoroughly cleaned. The removal of flues shall be due after forty-eight calendar months' service, provided such service is performed within five consecutive years. Portions of calendar months out of service will not be counted. Time out of service must be properly accounted for by “out of service” reports, and notations of months claimed out of service made on the back of each subsequent inspection report and cab card. The period for removal of flues, upon formal application to the Mechanical Expert, may be extended if investigation shows the conditions warrant it.

11. *Lagging to be removed.*—The jacket and lagging shall be removed at least once every five years, and a thorough inspection made of the entire exterior of the boiler while under hydrostatic pressure. The jacket and lagging shall also be removed whenever, on account of any indications of leaks, the Board's Inspector, or the railway company's inspector, considers it desirable or necessary.

18. *Method of testing flexible stay bolts with caps.*—All flexible stay bolts having caps over the outer ends shall have the caps removed at last once every two years, provided such service is performed within three consecutive years, and also whenever the Board's Inspector, or the railway company's inspector, considers the removal desirable in order thoroughly to inspect the stay bolts. The fire box sheets should be examined carefully at least once a month, to detect any bulging or indication of broken stay bolts. Each time a hydrostatic test is applied, the hammer test required by rules 16 and 17 shall be made while the boiler is under hydrostatic pressure, not less than the allowed working pressure, and proper notation of such test made on form No. 3.

19. *Method of testing flexible stay bolts without caps.*—Flexible stay bolts which do not have caps shall be tested once each month, the same as rigid bolts. Each time a hydrostatic test is applied, such stay bolt test shall be made while the boiler is under hydrostatic pressure not less than the allowed working pressure, and proper notation of such test made on form No. 3.”

And it is further Ordered: That General Orders Nos. 106 and 178, dated respectively June 27, 1913, and January 23, 1917, made herein, be, and they are hereby, rescinded.

F. B. CARVELL,
Chief Commissioner.

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GENERAL ORDER NO. 395

In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight and Specifications for Shipping Containers, prescribed and approved by the General Orders of the Board Nos. 203, 204, and 206, dated August 11 and September 7, 1917:

File No. 1717.38

TUESDAY, the 26th day of February, A.D. 1924.

Upon reading what is filed on behalf of Firstbrooks Brothers, Limited, and the Railway Association of Canada; and upon the report and recommendation of its Assistant Chief Traffic Officer,—

The Board Orders: That Shipping Container Specifications Nos. 14, 15, and 16, be amended so as to permit the use of steel corrugated fasteners driven across the joints outside, in addition to the present requirements, when the sides, ends, tops, and bottoms of boxes are made of more than one piece.

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER NO. 396

In the matter of the General Order of the Board No. 379, dated April 4, 1923, amending the Rules Relative to the Inspection of Locomotives and Tenders, prescribed by General Order No. 289, dated March 24, 1920, with respect to the equipment of locomotives in road service with pilots:

File No. 21351.1

MONDAY, the 10th day of March, A.D. 1924.

Upon reading what is filed on behalf of the Central Vermont Railway Company, and the report and recommendation of its Chief Operating Officer—

The Board Orders: That the said General Order No. 379, dated April 4th, 1923, as amended by General Order No. 390, dated January 25th, 1924, be, and it is hereby, further amended by inserting the words "Central Vermont" before the words "and Great Northern," in the 5th line of the paragraph with the heading "Pilots."

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER NO. 397

WEDNESDAY, the 16th day of April, A.D. 1924.

In the matter of the application of the Railway Association of Canada for certain amendments to Rules 93 and 99 of the General Train and Interlocking Rules, in order to provide for the method of operation now employed by certain of its member railways, under so-called Special Instruction "E":

File No. 4135.26

Whereas, by General Order No. 322, dated December 10, 1920, all railway companies subject to the jurisdiction of the Board were required to withdraw the said Special Instruction "E" from their respective working timetables, and thereafter observe the Uniform Code of Rules for Canadian Railways, approved by General Order No. 42, dated July 12, 1909; the necessary changes and instructions to employees to become effective June 1, 1921;

And whereas the time within which the said changes and instructions might become effective was extended, by General Orders Nos. 340 and 343, until June 15, 1921, and September 1, 1921, respectively; or until further order of the Board;

And whereas meetings and conferences have been held between officers of the Board and the parties concerned, and written submissions filed,—

The Board orders: That the time within which the said changes and instructions may become effective be, and it is hereby, further extended until the 1st day of August, 1924; and that, in the interval, all railway companies now carrying such Special Instruction "E" in their timetables file the same with the Board for approval under section 293 of the Railway Act, 1919.

And the Board further orders: That the application for amendments to rules 93 and 99 of the General Train and Interlocking Rules be refused.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER NO. 398

In the matter of Rules and Regulations Governing the Construction and Filing of Freight and Passenger Schedules with the Board.

File No. 606.

FRIDAY, the 11th day of April, A.D. 1924.

In pursuance of the powers expressly conferred by sections 324 and 325 of the Railway Act, 1919, and of all other powers possessed by the Board in that behalf—

The Board orders as follows:

1. That the Rules and Regulations Governing the Construction and Filing of Freight and Passenger Schedules, attached hereto marked "A" and published in Circular No. 204, be, and they are hereby, approved for the use of railway companies, or properly authorized agents thereof, who file freight and passenger schedules with the Board.

2. That,—

(a) Orders No. 350, dated February 9, 1905; No. 357, dated February 9, 1905; No. 460, dated May 16, 1905; No. 4277, dated June 30, 1908; and General Orders No. 23, dated December 21, 1908; No. 33, dated March 29, 1909; No. 60, dated June 27, 1910; No. 62, dated August 15, 1910; No. 277, dated December 29, 1919; No. 388, dated December 20, 1923.

(b) General Order No. 14, dated July 30, 1908, in so far as it applies to Freight and Passenger Tariffs;

(c) Conflicting portions of General Order No. 146, dated July 17, 1915,—be, and they are hereby, rescinded.

F. B. CARVELL,
Chief Commissioner.

"A"

CIRCULAR No. 204

RULES AND REGULATIONS GOVERNING THE CONSTRUCTION AND FILING OF FREIGHT AND PASSENGER SCHEDULES

Effective June 1, 1924

The term "Joint Rate," as used herein, means a rate or fare that extends over the lines of two or more carriers.

"Joint Tariffs" are those which contain joint rates.

1. Freight and passenger schedules must be of uniform size, namely, eight by eleven (8 x 11) inches, and be consecutively numbered "C. R. C. No....." at the top (separately for the freight and passenger issues), in addition to the serial number of the carrier. All schedules filed with the Board must be accompanied by a filing advice in duplicate (see appendix 'A') numbered consecutively. Filing advices must contain a description of the schedule or schedules covered thereby. The original advice will be retained and the duplicate receipted and returned.

Size of tariff.
Numbering
tariffs.
Filing advices.

2. Standard tariffs must be filed in duplicate. Except as otherwise provided herein, but one copy of other schedules is required to be filed with the Board and should be addressed to the Chief Traffic Officer, Board of Railway Commissioners for Canada, Ottawa, Ont. If mailed in Canada, and the envelope is plainly marked "O.H.M.S.", no postage is required.

Number of
tariffs to
be filed.
Postage free if
mailed in
Canada.

3. The act of mailing is not construed as filing. Schedules must reach Ottawa in time to give at least the statutory notice (freight schedules—three days for reduction, thirty days for advance; passenger schedules—three days for advance or reduction), or such other notice as the Board may in special cases direct.

Statutory
notice at
Ottawa.

4. (a) Joint tariffs applying from points on more than one railway must be filed by each of the initial carriers under its own C.R.C. number, unless issued and filed by an agent under power of attorney.

Joint tariffs
applying from
points on
more than
one railway.

(b) In the case of a joint tariff applying in both directions, the carrier at each end of the route is an initial carrier and the tariff must therefore be filed by each under its own C.R.C. number and must give the required notice.

Joint tariffs
applying
in both
directions.

Consent of each such carrier is a condition precedent to any change in the rates of such tariff in either direction.

5. Joint tariffs naming rates applying from points on a switching or terminal carrier of which such carrier receives a proportion which is not absorbed by the connecting carrier, must be filed by the switching or terminal carrier.

Joint tariffs
from points on
Terminal or
Switching
carriers.

6. Section 338 of the Railway Act requires the filing of joint tariffs applying from a point in Canada through a foreign country into Canada or from a point in Canada to a foreign country by the several companies. This is construed to permit filing by the initial Canadian carrier on behalf of itself and the "several companies" referred to in the section.

Filing of
joint tariffs
Canada to
United States
or between
points in
Canada
through
United States.

Rejection of
schedules.

7. Schedules which fail to give the required notice will be returned to the sender, stamped "Rejected by the Board of Railway Commissioners" and covered by a form letter.

The C.R.C. number of the rejected schedule must not again be used, and the substitute must show on the title page the following:—

"Issued in lieu of (reference here to the rejected schedule) rejected by the Board of Railway Commissioners for Canada."

Through rates between points in the United States and points in Canada published in tariffs filed with both the Interstate Commerce Commission and the Board of Railway Commissioners for Canada which are rejected by the Interstate Commerce Commission will be marked as rejected in the Board's files and returned to person filing.

Issuing carrier or agent is requested to immediately notify the Chief Traffic Officer of the Board of such rejection.

Commodity
tariffs with
minimum
weight greater
than classifi-
cation weight.

8. If the total charge per car under a commodity rate and specified minimum weight exceeds the charge per car under the class tariff and classification minimum weight, the tariff must carry a notation that the class rate and actual weight (subject to Classification minimum) will apply, if lower.

Commodity
rates specific.

9. Commodity descriptions must be explicit, so as to leave no room for supposition or analogy.

Freight rates
to remain in
force at least
30 days.

10. (a) No freight rate may be increased until it has been in force at least thirty days.

Freight rates
expiring by
limitation.

(b) Freight rates may be issued to expire on a named date, but such date must not be less than thirty days after the effective date.

Supplement
to freight
tariff which is
to be cancelled.

(c) If a tariff is filed on statutory notice, cancelling another tariff, and after such filing and prior to the effective date of the new tariff, a supplement to the tariff to be cancelled should be lawfully issued, rates in such supplement could not be continued in effect for thirty days for the reason that cancellation of a tariff also cancels supplements thereto.

In such cases supplements containing changes not included in the tariff that is to become effective should be issued to both tariffs; shall contain no other matter than the rates sought to be made effective, and will be exempted from the provisions of rule 34.

Cancellation
notice to show
where rates will
thereafter
be found.

11. A schedule which omits any rate included in any schedule cancelled thereby must show what rate will thereafter apply, or so indicate if the rate or service is abolished; and a supplement confined to notice of cancellation only, must give the same information.

Tariffs con-
taining rates
on Explosives
and other
Dangerous
Articles to
give reference
to Board's
Regulations.

12. Tariffs containing rates for the carriage of explosives must also contain a notice that such rates are governed by the Regulations for the Transportation of Explosives and other Dangerous Articles, approved by the Board of Railway Commissioners for Canada, and give reference to the C.R.C. number of the railway publication embodying these regulations.

Competitive
tariffs may
be made
effective with-
out notice.

13. A competitive tariff which owing to the exigencies of competition is urgently required to be brought into immediate effect without previous notice to the Board may be acted upon before filing with the Board, but the company must forthwith file the tariff together with a clear statement of the nature of the exigency and the ground for so acting.

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14. A schedule containing both competitive and non-competitive rates must indicate the competitive rates by reference mark and note

Competitive rates to be indicated.
Routing.

15. A joint tariff applies only by the route or routes therein specified, but if for convenience or through error of carriers, shipments are forwarded via other junction points or routes, but over the lines of carriers parties to the tariff, the rates shown therein will apply.

When no routing is shown the rates are understood to apply via all reasonable and practicable routes, but over the lines of carriers parties to the tariff.

16. New rates issued to cover newly constructed lines may be made effective on one day's notice; all other new rates must give the notice required by the Act.

Rates for newly constructed lines -- one day's notice.

17. A carrier or an agent may publish under a C.R.C. number, post and file, a separate schedule containing rules and regulations which are to govern certain tariffs, and such schedules may be made part of the tariff by the following specific reference: "Governed by Rules and Regulations shown in C.R.C. No. and successive issues thereof."

Separate tariff of Rules and Regulations.

18. Each carrier shall publish and file in duplicate, under a C.R.C. number, in both the freight and passenger series, size 8 by 11 inches, an "Official Distance Table," which shall contain the exact distance, extended not to exceed two decimal points, between its stations. Prepay stations must be indicated by symbol and at points where either carloads or less than carloads are not accepted the information must be shown. There must also be shown the names of the points at which freight traffic may be interchanged with the lines of connecting carriers, the names of the carriers with which freight traffic may be interchanged at such points, whether carloads or less, or both, and the method of interchange (switch connection or cartage). If connection is made through an intermediate carrier it must be so shown.

Official Distance Table to be filed.

The freight Official Distance Table shall contain the following clause:—

"In computing the distance governing traffic handled under mileage rates to unloading or from loading sidings not named herein, the mileage applicable to or from the nearest station or point thereto shall be used."

Tariffs which contain mileage rates shall give reference by C.R.C. number to the Official Distance Table.

NOTE.—This rule applies to both freight and passenger mileage. One list containing both freight and passenger mileage will be deemed sufficient, but if both are included in one list, C.R.C. numbers must be allotted in both the freight and passenger series and copies filed under separate filing advices.

19. Each carrier shall publish, with proper C.R.C. number, and file in duplicate, a complete list of tariffs naming it as an initial or forwarding carrier, which are in effect. Such list shall show, (a) C.R.C. number of each tariff; (b) name or initial of carrier or agent by whom tariff is issued; (c) brief description of the character of tariff (which should be done in freight tariffs by using the term "class," "commodity," or "class and commodity," name of commodities as "Grain and Grain Products," "Iron and Steel Articles," etc.); (d) concise statement of the points between which tariffs apply.

List of Tariffs to be filed.

Supplements to tariffs need not be included in this list. If any changes are made, the list shall be corrected to date either by reissue each month, or by supplementing each month, and reissue every twelve months.

Commodity tariffs shall be entered alphabetically according to the principal commodity, and those applying to different kinds of the same commodity shall be grouped together. For example: "Lumber"—"Hardwood"; "Lumber"—"Fir"; etc.

NOTE.—This rule applies to both freight and passenger tariffs. One list containing both freight and passenger tariffs will be deemed sufficient, but if both are included in one list, C.R.C. numbers should be allotted in both freight and passenger series, and copies sent to the Board under separate filing advices.

Concurrence in joint tariffs.

20. Joint tariffs and supplements thereto shall be filed with the Board by proper officer of the initial carrier, or by an agent designated to perform that duty, and concurrence, as per forms herein prescribed, of every other carrier participating in such joint tariffs and supplements thereto covering traffic which is to pass over any continuous route in Canada, must be filed with the Board.

Notice of concurrence is not required in international tariffs, tariffs applying from a foreign country through Canada into a foreign country, nor from foreign carriers in tariffs applying from Canada through a foreign country into Canada.

One or other of the following forms of concurrence certificate may be used in notifying the Board of assent to and concurrence in joint tariffs, or supplements thereto, applicable between points in Canada, which have been published and filed by any initial carrier or agent, and to which the carrier giving assent and concurrence has been made a party. The certificate shall be printed on paper ten and one-half inches long by eight inches wide and mailed to the Chief Traffic Officer of the Board.

(a) "SPECIFIC CONCURRENCE CERTIFICATE"

(Name of concurring carrier in full)

..... Department
(Place and date).....
No. C.C. (From No. 1 progressively).

The Board of Railway Commissioners for Canada.
This is to certify that the (name of concurring carrier in full) assents to and concurs in the publication and filing of the joint schedules described below, and hereby makes itself a party thereto and bound thereby:—
(Full title and C.R.C. number of schedule concurred in).

Date effective
Issued byCompany.

(b) "LIMITED CONCURRENCE CERTIFICATE"

(Name of concurring carrier in full)

..... Department
(Place and date).....
No. L.C. (From No. 1 progressively).

The Board of Railway Commissioners for Canada.
This is to certify that the (name of concurring carrier in full) assents to and concurs in joint tariffs and supplements thereto that may hereafter be pub-

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lished and filed by the (name of carrier in full), applying via (name of junction point with concurring carrier), or from (names of points or description of territory), in which this company is named as a participant, in so far as such schedules contain rates or regulations which apply within Canada, via this company's line to (not from).....(description of territory), and hereby makes itself a party thereto and bound thereby.

(c) "GENERAL CONCURRENCE CERTIFICATE"

(Name of concurring carrier in full)

.....Department
(Place and date)
No. G.C. (From No. 1 progressively).

The Board of Railway Commissioners for Canada.

This is to certify that the (name of concurring carrier in full) assents to and concurs in all joint tariffs and supplements thereto that may hereafter be published and filed by the (name of carrier or agent in full), in which this company is named as a participant, in so far as such schedules contain rates or regulations which apply within Canada, to or via (not from) this company's points, and hereby makes itself a party thereto and bound thereby.

The "Specific" Concurrence Certificate shall be signed with the name and title of the official of the concurring carrier appointed by by-law of the company to prepare and issue tariffs.

When 'Specific' Concurrence Certificates are used three copies must be made by the concurring carrier, one marked "original," one "duplicate," and one marked "triplicate," and forwarded to the carrier who issues the tariff. The latter carrier will then file with the Board the three copies together with the tariff to which they refer, and the duplicate will be stamped and returned to the concurring carrier, and the triplicate to the carrier issuing the tariff, as a receipt.

Certain passenger tariffs are filed from Winnipeg, the individual certificates for which are filed from Montreal.

In such cases the certificate may be filed prior to the tariff but must be accompanied by letter of explanation.

The 'Limited' and 'General' Concurrence Certificates shall be signed in person by the official of the concurring carrier appointed by by-law to prepare and issue tariffs.

The company or agent which prepares and issues the joint schedule shall show therein, in small type against the name of each of the concurring companies, the "C.C.," "L.C.," or "G.C." number, as the case may be, of the certificate of concurrence of such company in such joint schedule.

Two copies of "Limited" and "General" certificates of concurrence shall be filed with the Board, one marked "duplicate," to be stamped with the date of receipt by the Board and returned to the sender.

Under section 325 of the Railway Act, the only procedure in the case of non-concurrence in a joint schedule must be by formal application by the objecting company to the Board for an order disallowing the said schedule.

21. If a carrier authorizes an agent to file its tariffs and supplements thereto, or certain of them, official notice of such authorization and of acceptance of responsibility by the carrier for the acts of such agent in the consecutively numbered form as hereinafter specified, must be filed with the Board:—

Powers of
attorney for
agents who
file tariffs.

15 GEORGE V, A. 1925

C.R.C. P.A. No.....

.....Company.

KNOW ALL MEN BY THESE PRESENTS:

That the Company has made, constituted and appointed, and by these presents does make, constitute, and appoint its true and lawful attorney, and in its name, place, and stead, to file certain tariffs of freight (or passenger) tolls, to wit (here describe the particular series, if limited, or particular territory, for which tariffs are to be issued), and supplements thereto, as required of railway companies by the Railway Act of the Dominion of Canada, and by the Regulations of the Board of Railway Commissioners for Canada, and the said..... Company does hereby give and grant to its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue thereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

The
(Name of carrier)

By
(Its.....President)

Attest:
.....
Secretary.

Dated at
this day of
A.D.

- (a) Powers of attorney shall continue in force until revoked by formal and official notice of revocation placed in the hands of the Board of Railway Commissioners for Canada at Ottawa, at least thirty days before the said notice shall become effective.
- Powers of attorney may also be cancelled by issue of new power of attorney upon thirty days' notice.
- (b) If two or more carriers appoint the same person as agent for the filing of tariffs and supplements thereto, each of them will be required to file with the Board power of attorney, in the form prescribed, appointing him their agent, and the concurrence of every other carrier participating in any tariff or supplement thereto which is filed by him must be on file with the Board.
- (c) An agent who issues fast freight line billing instructions, which are, by reference, made part of the carrier's tariff, stands in the same light and position as an agent who issues tariffs, and the same authority to act will be required.
- (d) Such joint agent, duly authorized to act for several carriers, shall file joint tariffs under consecutive C.R.C. serial numbers of his own.
- (e) No officer of a railway may be appointed to file tariffs for another railway. The form of power of attorney herein prescribed must be used only when an outside agent is authorized to prepare and issue certain tariffs, such as the Transcontinental, Central Freight Association, Canadian Freight Association tariffs, etc.
- (f) Agents publishing tariffs under power of attorney must include therein the names of the carriers for whom they act together with the P.A. number of the power of attorney on file with the Board.

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22. Tariffs issued by railways in Canada shall indicate advances by the symbol "A" and reductions by the symbol "R," with necessary explanatory note, in the following manner, namely:—

Changes in rates to be indicated by symbol.

1. In schedules which show the rates opposite the stations:—

The proper symbol to be shown against each rate, or each rule or regulation, changed.

2. In schedules in which the rates appear in a table separated from the station list:—

(a) Unless the station groupings have been varied relatively to their rates; the proper symbol to be shown in the rate table in the manner prescribed in section 1 hereof:

(b) If the station groupings have been varied relatively to their rates; the proper symbol to be shown against the reference on the station page to the rate table, and against each rule or regulation changed.

If the columns of rates are so close together as to leave insufficient space for the symbols, and in such cases only, increases shall be printed in full-face type, and reductions in italics, with the necessary explanatory note.

If ninety per cent or over of the rates on a page are advanced or reduced, symbols may be omitted provided the changes are clearly indicated on the page, thus: "All rates on this page are advances"; "All rates on this page are advances, except as otherwise indicated," etc.

If it is found impracticable to indicate changes in schedules by the methods herein prescribed, application accompanied by full explanation may be made to the Board for permission to waive the above requirement.

23. Schedules issued to give effect to judgments or orders of the Board shall give reference to the number and date of the Order or date of the judgment as follows:—

Schedules issued to give effect to Orders and Judgments.

"Issued in compliance with Order of the Board of Railway Commissioners for Canada No..... dated....." or "Issued under judgment of the Board of Railway Commissioners for Canada, dated.....".

24. Each carrier is required to file tariffs under C.R.C. numbers which are presumed to be used consecutively. Occasionally a tariff is received which does not bear the C.R.C. number next in numerical order to that borne by the last one filed. This is sometimes occasioned by the missing numbers having been assigned to a tariff which is in the course of preparation.

C.R.C. numbers to be consecutive; advice to be given when not so filed.

Request is made that in so far as possible, carriers will file tariffs in consecutive order of the C.R.C. numbers. If from any cause this is not done, the tariff that is filed with a C.R.C. number that is not consecutive with the last one filed, shall be accompanied by an explanation of the omission in filing.

25. Circulars of general instruction which affect tolls shall be printed on paper of regulation size (8 by 11 inches) and given C.R.C. consecutive numbers in the regular tariff series.

Circulars affecting tolls to be filed.

FREIGHT TARIFFS

Special Rate
Notices.

26. Under the provisions of section 344 of the Railway Act, railway companies subject to the Act are authorized to issue special rate notices between points which are not competitive in the following cases, namely:—

(a) To provide for the prompt shipment of any freight which may unexpectedly offer, and for which no suitable tariffs have been prepared, on condition that the filing and publication of such tariffs be immediately proceeded with. Except where special notice has been issued to cover an individual consignment and the rate is not of a permanent character.

(b) To provide for the disposition of shipments which may have been forwarded to the wrong destination, or which have been refused by the consignees, by returning them to the original points of shipment at less than the ordinary tariff rate, or by reforwarding at a reduced rate from the first to a second destination, in which case the published rate from the point of shipment to the first destination, added to the reduced rate from the first destination to the second, shall not be less than the published rate for a through haul from the original shipping point to the second or final destination.

(c) To provide for the carriage of small sample or trial shipments for testing purposes, with a view to opening up business, as, for example, a trial shipment of ore from a new mine to the smelter, at actual weight at the carload rate.

(d) To provide for the removal of live stock by rail from exhausted grazing grounds to new pastures on the ranches of the northwest, for subsequent reshipment to the market.

(e) To permit the railway companies to carry such freight as coal and firewood for their own employees at reduced rates, which may be filed individually with the Board, or as a general notice.

(f) To provide for the movement of grain that may remain in country storehouses or elevators at the cleaning up of the season's business preparatory to the reception of the new crop, at carload rate and reduced minimum weight.

Not more than one such special rate shall be issued per annum for each storehouse or elevator for each variety of grain.

These Special Rate Notices shall be numbered consecutively and be mailed to the Chief Traffic Officer.

They shall give reference to Rule No. 26 of the Board's Circular No. 204 and the particular section thereof under which issued; they shall also show the tariff rate, if any, that would have been charged in the absence of such notice, and shall exist merely for the purpose of giving effect to the rate to be charged for the specific shipment mentioned therein.

When rates covered by Special Rate Notice are reissued in regular tariff publication a cancellation supplement must at the same time be issued to the Special Rate Notice which shall give reference by C.R.C. number to the tariff publication in which rates are shown.

27. Railway companies having general offices at Winnipeg or west thereof, are authorized in cases of emergency only, to notify the Board by telegraph of a proposed change in rates, provided—

(a) That the new schedule be printed and publicly posted for the full period required by the Act, namely, three days in the case of a reduction, and thirty days in the case of an advance;

Telegraphic
advice of
changes in
freight rates,
in emergency
cases, from
carriers in
distant
territory.

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- (b) That the telegram to the Board plainly state the changes proposed to be made in the rates, and the effective date thereof;
- (c) That the new tariff be mailed to the Board not later than the date of the publication; and
- (d) That a copy of the telegram be attached to the printed tariff filed with the Board.

28. A tariff having been filed, containing class rates only, it is not permissible to add commodity rates by means of a supplement thereto; likewise class rates should not be added by supplement to a filed commodity tariff. Nature of tariff not to be changed by supplement.

The additional rates should be put in effect by means of a separate tariff.

The above does not prohibit the filing of a tariff containing both class and commodity rates, but the nature of the tariff when filed should not be changed by the filing of a supplement.

29. The title page of every freight tariff shall show,—

- (a) C.R.C. number of tariff in bold type in prominent position in upper margin, and immediately thereunder, in smaller type, the C.R.C. number or numbers of tariffs and supplements cancelled thereby. If, however, the number of cancelled tariffs is so large as to render it impracticable to thus enter them on title page, they may be shown on the following page, but specific reference to such list must be entered on title page in connection with the number of the tariff. Railways may place the railway number of the tariff in any place suitable to them. Separate serial numbers will be used for freight and passenger tariffs. Title page to show:—
C.R.C. number and cancellation.
- (b) Name of the issuing or initial carrier, carriers, or agent, and immediately thereunder the name of other participating carriers. If the list of participating carriers exceeds ten in number or it is inconvenient to show the names on the title page, they may be shown elsewhere in the tariff, provided a note on the title page gives reference to the page on which such list will be found. Names of carriers.
- (c) Reason for issue of schedule, thus "Advance", "Reduction", "New Rate", "No Change in Rates", etc. Reason for issue.
- (d) Whether tariff is standard, special (local or joint), or competitive (local or joint). Kind of tariff.
- (e) The traffic and the territory or points from and to which the tariff applies, briefly stated. Territory.
- (f) Reference by name of the Classification governing the tariff or exceptions, if any. Classification governing.
- (g) Date of issue and date effective. Dates.
- (h) Name, title and address of the officer authorized by by-law to prepare and issue tariffs of tolls. Names of proper officers.

30. Tariffs shall contain:—

- (a) An alphabetically arranged and complete index of all commodities upon which commodity rates are shown. Contents of tariff:—
Index to commodities.

If the tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents the table of contents may be omitted.

All the items relating to different kinds or species of the same commodity will be grouped together. For example, all items of coal should be under "Coal", and descriptive word or words to follow, as 'Coal'—'Anthracite'; 'Coal'—'Bituminous', etc.

Station index.

- (b) Alphabetically arranged and complete index of stations from which the tariff applies, and alphabetically arranged and complete index of stations to which the tariff applies. If the list contains stations in different provinces or states, the name of the province or state must be shown with the name of station.

Traffic territorial or group descriptions may be used to designate points to or from which rates named in the tariff apply, provided a complete list of such points arranged by traffic territory or group is printed in the tariff, or specific reference is given to the C.R.C. number of the issue that contains such list.

In this list the stations in each territorial group or description shall be arranged alphabetically, and the name or names of road upon which stations are located will be shown; or all of the stations in traffic territory or groups named in the tariff may be included in one alphabetical index, provided that the name or names of the road upon which stations are located and the traffic territorial or group description in which they belong are shown opposite the several stations.

Explanation of reference marks.

- (c) Explanation of reference marks or technical abbreviations used in the tariff, which should, if possible, be shown at the foot of the page in which such marks appear. If not so shown, reference must be given to the page in which the explanation is published.

Explanatory statements.

- (d) Such explanatory statement in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

Rules governing tariff.

- (e) Rules and regulations which govern the tariff. Under this head, all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate, or particular reference made thereto in the station index.

No rule authorizing substitution.

- (f) No rule or regulation shall be included which, in any way, or in any terms, authorizes substituting for any rate named in the tariff, a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule and regulation is a part.

Simple arrangement.

- (g) The rates explicitly stated, together with the names or designation of the places from and to which they apply, all arranged in a simple and systematic manner. Complicated manner of arrangement or ambiguous terms must be avoided.

Routes.

- (h) The different routes via which tariff applies, together with appropriate reference to application of rates.

Common points.

- (i) The term 'Common points' shall not be used in any tariff for the purpose of indicating the points from or to which rates named therein apply, unless a full list of such points is printed in the tariff, or specific reference is given to the C.R.C. number of the issue that contains such list.

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- (j) The terms 'Grain Products,' 'Forest Products,' or similar terms must not be used in any tariff for the purpose of indicating the articles to which the rates apply, unless a full list of the articles intended to be included in, and covered by such terms, is printed in the tariff, or specific reference is given to the C.R.C. number of issue that contains such list. No general
tariff
commodities,
unless list
published.

31. If a tariff or supplement to a tariff is issued, which conflicts with a part of another tariff or supplement to a tariff which is in force at the time, and which is not thereby cancelled in full, it shall specifically state the portions of such other tariffs which are thereby cancelled, and such other tariffs shall at once be correspondingly amended in the regular way. It will not be necessary to give on commodity tariffs or supplements, reference to class-rate tariffs that may be affected, nor to give on class-rate tariffs or supplements, reference to commodity tariffs. Conflicting
tariff
supplement
to be amended.

32. When a tariff or rate is cancelled, the cancellation notice must show where the rate or rates will be found, or what rate or rates will thereafter apply. Cancellation
of tariffs.

If a tariff or any portion thereof is cancelled with the purpose of applying in lieu thereof the rates shown in some other tariff, the cancellation notice shall make specific reference to the C.R.C. number of the tariff in which such rates will thereafter be found. Cancellation of a tariff also cancels all supplements to such tariff, if any in effect. If a tariff is cancelled by the issuance of a similar tariff to take its place, cancellation notice should not be given by supplement but by notice printed in the new tariff.

A tariff may only be cancelled by a supplement to that tariff or by a new tariff. Cancellation of one tariff by a supplement to another tariff will not be accepted.

Supplements to a tariff shall be numbered consecutively.

33. A consolidating supplement which brings forward reissued items, without change, from a former supplement, must bear the notation:— Consolidating
supplements.

“Effective... ..except as noted in individual items:”

Reissued items brought forward without change, must show in a conspicuous form and convenient manner the following:—

“Reissued (in black type): effective (date on which item became effective) in Supplement No... ..”.

or where necessary reissued items may be indicated by symbol and explanatory note.

If any of the items have not become effective on the date of issue of the consolidating supplement, the appropriate symbol “A” or “R” must also be shown.

Each supplement subsequent to the first supplement to a tariff shall show on the title page thereof the numbers of the supplements which are in effect.

34. A tariff of less than three pages can have no supplement except for the purpose of cancellation, and the following note shall be printed in the upper margin of such tariffs: “No supplement will Number of
effective
supplements.

be issued to this tariff except for purpose of cancellation." Larger tariffs may have the following effective supplements:—

Tariffs of 3 to 8 pages, one supplement.

Over 8 to 48 pages, two supplements.

Over 48 pages, three supplements.

Changes in tariffs issued in loose leaf form must be made by reprinting both pages of the leaf to be substituted. If no change is made in one of the pages, the words "No Change" must be printed thereon. Such pages must be designated as: "First revised page....," "Second revised page....," etc., must show the C.R.C. number of the tariff, the issued and effective dates, and the name and title of the proper officer.

Amended item
or rule to be
reprinted.
Exception.

35. An amended item or rule must be printed in supplement in its entirety, except that in large items or rules which have the paragraphs lettered or numbered, the changed paragraph only need be published, provided proper reference is shown to such number or letter.

Cancelled
tariff cannot
be restored.

36. A tariff or supplement having once been cancelled cannot be restored. If it is desired to reinstate rates previously abrogated they must be covered by an entirely new schedule.

Tariff of
terminal
charges.

37. Unless shown in individual tariffs effected thereby, each carrier shall publish, with proper C.R.C. numbers, and file separate tariffs which shall contain in clear, plain and specific form and terms all the terminal charges, such as arbitraries, switching, icing, storage, elevation, etc., together with all other charges and rules which in any way increase or decrease the amount to be paid on any shipment as stated in the tariff which contains the rate applicable to such shipment.

Where the terminal charges as herein described are published in separate tariffs, reference thereto must be made in individual tariffs containing rates affected thereby.

Long and
short haul
clause.

38. Section 329, subsection 3, of the Railway Act in connection with special tariffs, provides that greater tolls shall not be charged therein for a shorter distance than for a longer distance over the same line, in the same direction, if such shorter distance is included in the longer distance. Tariffs issued between specific points in Canada containing rates which are not competitive under section 329, subsection 4, shall contain the following clause:—

"The rates named herein unless specifically indicated are maximum rates and must not be exceeded in the same direction from or to any intermediate points in the direct line of transit."

Tariffs naming freight rates from points in the United States to points in Canada or from points in Canada to points in the United States shall contain a rule to the effect that said rates, unless specifically indicated as being competitive, will apply as maxima to or from intermediate points *in Canada*.

Suspension and
restoration
of rail-and-
lake rates.

39. Tariffs containing rail-and-water rates applicable via routes upon which it is necessary to close navigation during a portion of the year, and which do not become effective and expire by specified expiration within the same season of navigation, may provide for suspension and restoration of the rail-and-water rates named therein under the following regulations:—

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(a) The following notation shall appear on the title page of the tariff:—

The rates named herein for rail-and-water transportation are subject to suspension at the close of navigation and restoration on the opening of navigation on notice as provided on page.....of this tariff.

(b) The rules referred to on title page shall provide that the closing and opening of navigation will be announced by supplement, also that shipments reaching the port of transshipment too late to be forwarded by vessel, or in excess of vessel capacity, will be subject to tariff rates via all-rail route in effect on the date of shipment from point of origin.

Such supplements announcing suspension and restoration of rail-and-water rates may be made effective on three days' notice, shall contain no other matter, and will not be counted against the number of supplements permitted by rule 34.

40. Under Order No. 4277, the Chairman of the Official, Western and Southern Classification Committees were authorized to file with the Board copies of the Classification and supplements thereto, on behalf of the railway Companies which file with the Board international freight tariffs subject to these Classifications. Every such railway company must authorize by power of attorney, Chairman of the Official, Western and Southern Classification Committees, to file with the Board such Classifications and supplements. Powers of attorney in the following form must be filed with the Board in duplicate when the duplicate copy will be stamped and returned as a receipt:—

Power of
Attorney for
agents issuing
classifications.

KNOW ALL MEN BY THESE PRESENTS:

That the (name of carrier) has made, constituted, and appointed, and by these presents does make, constitute and appoint (name of person appointed) its true and lawful attorney and agent for the said company, and in its name, place and stead to file with the Board of Railway Commissioners for Canada the (Official, Western or Southern, as the case may be) Classification and supplements thereto, as required by Section 322 of The Railway Act, and by regulations established by the Interstate Commerce Commission under the Act to Regulate Commerce, for the period of time and the territory now herein named:

And the said (name of carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof, and assuming full responsibility for the facts and neglects of its said attorney, and agent hereunder

In witness whereof the said company has caused these presents to be signed in its name by its President, and to be duly attested under its corporate seal by its Secretary, at..... in the State of on this day of in the year of Our Lord nineteen hundred and.....

The
(Name of Carrier)

By
(Its.....President)

Attest

.....
Secretary.

(Corporate Seal)

Advice of
freight rate
changes.

41. Railways subject to the jurisdiction of the Board or properly authorized Agents of such railways shall file in triplicate with each separate tariff or supplement which changes rates or regulations, a statement (suggested form appendix "B") giving the following information:—

- (a) The C.R.C. number of the tariff or supplement number thereto;
- (b) The effective date;
- (c) The commodity affected (if published under an item number, proper reference thereto to be given);
- (d) The points from, to or between which the rates apply;
- (e) Present and proposed rates in cents;
- (f) A concise statement of reasons for the change, which shall be sufficiently explicit to enable the Board to arrive at an intelligent understanding thereof.

If changes are made in regularly scaled class tariffs, a statement of the increase or decrease in the first-class rate will be sufficient.

If there is a general revision of class rates, such as those resulting from consolidation of railways, shortening of lines, new routes, etc., a general statement will be sufficient.

These statements (size 8 x 11 inches) should be headed "Freight Rate Changes," and be numbered consecutively in the upper right hand corner.

PASSENGER TARIFFS

Standard
passenger
tariffs.

42. In order to avoid the necessity, when actual working tariffs are filed as standard tariffs, of having any and all changes approved by the Board and subsequently published in *The Canada Gazette*, it is suggested that the maximum basis of rate per mile be filed with the Commission as the standard tariff under a C.R.C. number, and the working tariffs filed as special tariffs.

Filing joint
tariffs by
foreign
carriers.

43. It is not necessary to file joint passenger tariffs issued by foreign carriers not having lines in Canada.

Conductor's
tariff.

44. If conductors' passenger tariffs are printed which cover the same fares that are in an agent's tariff for the same territory, either with or without ten cents added, they need not be filed, provided the agent's tariff containing the fares has been filed.

Milk tariffs.
Sleeping and
Parlour Car
tariffs.

45. Tariffs for transportation of milk by passenger trains shall be designated "Special Tariff for Milk by Passenger Trains."

Emergency,
excursion
or other
passenger
traffic.

46. Sleeping and parlour car tolls shall be published in a separate tariff and filed under a separate series of C.R.C. numbers with the prefix "S."

47. Railways are occasionally offered excursion or other special passenger traffic which, if accepted, must be moved immediately or on less than three days' notice required by the Railway Act, for filing the necessary specific tariffs.

In order to facilitate the movement of such traffic, the railways are permitted to make application by telegraph or telephone to the Chief Traffic Officer for permission to file such tariffs on less than statutory notice.

Railways which file schedules showing fixed fares for excursions, conventions, etc., to be charged upon notice, may for excursions, conventions, etc., limited to not more than ten days from first selling

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date to final return limit, act immediately upon notice, under C.R.C. number, being filed at the stations from which tickets are to be sold, provided copy of such notice is at the same time mailed to the Chief Traffic Officer of the Board.

48. The title page of every passenger tariff shall show:—

Title page
to show:—

(a) C.R.C. number of tariff in bold type in prominent position in upper margin, and immediately thereunder, in smaller type, the C.R.C. number or numbers of tariffs and supplements cancelled thereby. If, however, the number of cancelled tariffs is so large as to render it impracticable to thus enter them, they may be shown on the following page, but specific reference to such list must be entered on title page in connection with the number of the tariff. Railways may place the railway number of the tariff in any place suitable to them. Separate serial C.R.C. numbers will be used for freight and passenger tariffs.

C.R.C.
number and
cancellations.

(b) Name of issuing or initial carrier, carriers, or agent, and immediately thereunder the names of other participating carriers.

Names of
carriers.

NOTE.—On International Joint Tariffs, it will be sufficient to show the names of the Canadian carriers, and directly under, the words: "And connecting lines in the United States."

(c) Reason for issue of schedule, thus "Advance," "Reduction," "New fares," "No Change in fares," etc.

Reason
for issue.

(d) Whether tariff is Standard, Special (local or joint), or competitive (local or joint).

Kind of
tariff.

(e) The territory or points from and to which the tariff applies, briefly stated.

Territory.

(f) Date of issue and date effective. Also date of limitation if any.

Issue and
effective dates.

(g) Name, title, and address of officer authorized by by-law to prepare and issue tariffs of tolls.

Name of
proper officer.

49. Tariffs shall contain, in the order named:—

Tariff shall
contain:—

(a) Table of contents, full and complete.

Table of
contents.

(b) Alphabetically arranged and complete index of stations from which the tariff applies, and alphabetically arranged and complete index of stations to which the tariff applies. If the lists contain stations in different provinces or states, the name of the province or state must be shown with name of station. If the number of originating and destination points be not too large, they may be shown on title page of tariff. Traffic territorial or group descriptions may be used to designate points to or from which fares named in the tariff apply, provided a complete list of such points, arranged by traffic territories or groups, is printed in the tariff or specific reference is given to the C.R.C. number of the issue that contains such list. In this list, the stations on each line of road shall be grouped together alphabetically and under the name of the road. If, in naming fares in the tariff, points of origin and of destination are arranged alphabetically, or alphabetically by provinces or roads, alphabetical index of stations may be omitted.

Station
index.

(c) Explanation of reference marks and technical abbreviations used in the tariff.

Explanation
of marks.

Routing.

(d) Routing under the tariff. If the fares apply via more than one route or gateway, the route or gateway shall be shown in connection with the fare, or the different routes shall be specified and each route be given a number, in which event the routing to each point or destination named in the tariff will be shown by placing opposite thereto, in a column headed "Route," the proper route number or numbers.

Explanatory statements.

(e) Such explanatory statement in clear and explicit terms regarding the fares and rules contained in the tariff, as may be necessary to remove all doubt as to their proper application.

Rules governing tariff.

(f) Rules and regulations which govern the tariff. Under this head, all of the rules, regulations, or conditions which, in any way affect the fares named in the tariff, shall be entered, except that a special rule applying to a particular fare shall be shown in connection with and on the same page with such fare.

No rule authorizing substitution.

(g) No rule or regulation shall be included which in any way or in any terms authorizes substituting for any fare named in the tariff a fare found in any other tariff, or made up on any combination or plan other than that clearly stated in specific terms in the tariff, of which the rule or regulation is a part, unless reference is made by C.R.C. number to such other tariff. These rules shall include the rules governing stop-over privileges and the general baggage regulations, and also schedules of excess baggage rates, unless such excess baggage rates are shown in tariff in connection with the fares, or are published in separate tariffs, and referred to under C.R.C. number as filed.

Fares and points.

(h) The fares, explicitly stated, together with the names of the places from and to which they apply, all arranged in a simple and systematic manner. Complicated or ambiguous plans or terms must be avoided.

Terms for excursion fares.

50. Tariffs naming fares for excursions may state such fares in such terms as "One first-class fare for the round-trip," "One first-class fare and a third for the round-trip," "One first-class fare pluscents for the round-trip."

Head line and side line points.

51. In naming fares in local passenger tariffs, points will be arranged geographically, and the points on main line shall appear first in order, followed by points on branch lines diverging from main line and other branch line points by a rule. Points shown at the top of column of fares will be known as "head-line points," and each column will be designated by a letter or number, or, if necessary, by a combination of two letters. Points shown at the side of the columns of fares will be known as "side-line points," and will be numbered consecutively. The alphabetical index of stations provided for will show the location of fares to or from each station by head-line letters or numbers and side-line numbers.

Basing and proportional fares.

52. A carrier may apply through ticket fares to or from stations, to or from which no joint fare is published, by using lawfully published bases, locals or proportionals in connection with other lawfully published tariffs. Tariffs containing basing fares must specify clearly the extent and manner of their use, and tariffs that are specially intended for use in connection with published basing fares must show the C.R.C. number of tariffs in which bases can be found.

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53. The term "Common points" shall not be used in any tariff for the purpose of indicating the points from or to which fares named therein apply, unless a full list of such points is printed in the tariff, or specific reference is given to the C.R.C. number of the issue that contains such list. Term Common Points not to be used unless list published.

54. If a tariff or supplement to a tariff is issued which conflicts with a part of any other tariff or supplement to a tariff which is in force at the time, and which is not thereby cancelled in full, it shall specifically state the portions of such other tariffs which are thereby cancelled, and such other tariffs shall at once be correspondingly amended in the regular way. Cancellation of conflicting tariffs.

55. If a tariff is cancelled with the purpose of applying in lieu thereof the fares shown in some other tariff, the cancellation notice shall make specific reference to the C.R.C. number of tariff in which such fares will thereafter be found. Cancellation of a tariff also cancels supplements to such tariff, if any in effect. If a tariff is cancelled by the issuance of a similar tariff to take its place, cancellation notice should not be given by supplement, but by notice printed in a new tariff. Cancellation notice to state where fare will thereafter be found.

56. Supplements to a tariff shall be numbered consecutively, and there shall be in effect at no time more than two supplements to any tariff. Consecutive numbering of supplements—number in effect.

57. A tariff or supplement having once been cancelled cannot be restored. If it is desired to reinstate fares previously abrogated, they must be covered by an entirely new schedule. Cancelled tariff cannot be restored.

A. D. CARTWRIGHT,
Secretary.

APPENDIX "A"

.....

(Name of Railway)

TRAFFIC DEPARTMENT

.....192..

(Place and date)

Advice No.

The Chief Traffic Officer,
Railway Commission for Canada,
Ottawa, Canada.

Dear Sir,—In compliance with the requirements of the Railway Act, I transmit herewith, for filing with the Commission, copies of tariffs as follows:—

Supplement Number	Tariff C.R.C. Number	Date Taking effect	Description

.....

(Name)

.....

(Title)

C.R.C. No...	Tariff No...	Supp. No...
Date Effective..		
Description (Class or Commodity)..		

[illegible]

(Name)

(Title)

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JOINT TARIFFS—*Concluded*

	Rule Number
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GENERAL ORDER No. 399

In the matter of Section 345 of the Railway Act, 1919, and the form of free or reduced rate transportation returns to be filed with the Board.

File No. 496.27.

THURSDAY, the 1st day of May, A.D. 1924.

Whereas the said section 345 provides, inter alia, for the making of periodical returns, duly verified by affidavit, to the Board in respect of the carriage of traffic free, or at reduced rates, by companies within the legislative authority of the Parliament of Canada; and that it shall be the duty of the Board to examine such returns with a view to seeing that the law has been observed;

And whereas the Board has, under General Order No. 365, specified certain dates for the filing of the said periodical returns,—

The Board Therefore Orders:

That the returns required to be filed with the Board by each company subject to its jurisdiction, under clause 1 (d) and clause 2 of the said General Order No. 365, shall comprise the following particulars:—

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1. A general statement indicating the number of all free annual and trip passes and reduced rate transportation, issued under each respective series to—
- (a) the directors of the company and to their families;
 - (b) such officers, agents, and employees of the company as are at the time of the issue of transportation carried on the pay-roll, and their families;
 - (c) such retired, pensioned, furloughed, or superannuated officers and employees of the company as are carried on the company's official list of such retired, pensioned, furloughed, or superannuated employees, and to their families; and
 - (d) officers, agents, and employees of other railway and steamship companies, and their families, upon application of the officer authorized to make requests for free transportation.

Provided, however, that the company shall keep records available and convenient for examination, whenever necessary, of such data and information as will justify the lawful issue of all or any of the free or reduced rate transportation issued by the company, and all such records, pay-rolls, and such official lists of retired, pensioned, furloughed, or superannuated officers and employees upon which free transportation has been issued, shall be at all times available for the inspection of the Board.

2. A detailed statement as to all other persons to whom free or reduced rate transportation, for passenger and freight traffic, has been issued under the provisions, of sub-clauses (a), (c), and (d) of subsection (1) of section 345 of the Railway Act, 1919, or, of the orders of the Board, or of Special Acts of Parliament, during the period covered by the returns, indicating kind of passes, series, and numbers, names, description, and territory.

3. The affidavit of verification covering all such returns shall be made and sworn to by an officer of the company having full knowledge of all such free or reduced, rate transportation issued by the company, and having access to all the records necessary to justify the issue thereof, and such affidavit of verification shall specify—

- (a) That the affiant is an officer of the company having full knowledge of all the free and reduced rate transportation for passenger or freight traffic issued by the company, and has the custody of, or access to, all the records of the company from which the returns of such transportation are made up under the provisions of section 345 of the Railway Act, 1919;
- (b) That to the best of such officer's knowledge and belief, all free or reduced rate transportation included in such return, has been issued in compliance with the provisions of the Railway Act, 1919, and of the orders and regulations of this Board, and that none of the same has been issued that is not authorized by law.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 400

In the matter of the rates on ex-lake grain when milled, bagged, cleaned, or clipped at lake ports or in transit and reshipped to Montreal, Quebec, and Atlantic seaboard ports for export. *File No. 8641.37.*

WEDNESDAY, the 14th day of May, A.D. 1924.

Upon considering the submissions of certain milling companies and the representations made on behalf of the Canadian National and the Canadian Pacific Railway Companies,—

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The Board orders: That all railway companies subject to its jurisdiction who publish tariffs containing rates on ex-lake grain when milled, bagged, cleaned, or clipped at lake ports or in transit and reshipped to Atlantic sea-board ports for export shall, effective not later than May 26, 1924, amend the said tariffs by publishing the following rates, namely:—

From	To	Rates in cents per 100 pounds
Collingwood ,Ontario.....	Montreal, Quebec.....	17½
Depot Harbour, Ontario.....	Quebec, Quebec.....	
Goderich, Ontario.....	St. John, New Brunswick.....	18½
Midland, Ontario.....	West St. John, New Brunswick.....	
Port Colborne, Ontario.....	Halifax, Nova Scotia.....	
Port McNicoll, Ontario.....	Portland, Maine.....	
	Boston, Massachusetts.....	
	East Boston, Massachusetts.....	
Tiffin, Ontario.....	New London, Connecticut.....	

The rates named above to apply on carload shipments of grain milled, bagged, cleaned, or clipped at shipping points specified; also on carload shipments ex-lake when milled, bagged, cleaned, or clipped in transit at other stations within Canada, and to include stop-off charge of 1 cent per 100 pounds, but exclusive of charge for out of line haul, if any.

To	From	Rates in Cents per 100 Pounds	
		Grain Flour	Other Grain Products
	Collingwood, Ontario.....	22	23
Baltimore, Maryland.....	Depot Harbour.....	24½	25½
Philadelphia, Pennsylvania.....	Goderich, Ontario.....	21	22
New York, New York.....	Midland, Ontario.....	22	23
Weehawken, New Jersey.....	Port Colborne, Ontario.....	18½	19½
	Port McNicoll, Ontario.....	22	23
	Tiffin, Ontario.....	22	23

The rates named above, plus stop-off charge of 1 cent per 100 pounds, and charge for out of line haul, if any, will also apply on carload shipments of grain, ex-lake, milled, bagged, cleaned, or clipped in transit at other stations within Canada.

F. B. CARVELL,
Chief Commissioner.

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GENERAL ORDER No. 401

In the matter of the Rules and Regulations governing the Construction and Filing of Freight and Passenger Schedules with the Board. File No. 606.

THURSDAY, the 15th day of May, A.D. 1924.

Whereas General Order No. 177, dated January 10, 1917, requires that tariffs of freight rates from points in the United States to points in Canada shall include, or be supplemented by, a rule to the effect that the said rates, unless specifically indicated as being competitive, will apply to intermediate points in Canada not enumerated in the said tariffs;

And whereas the provisions of the said General Order No. 177 have now been published in Circular No. 204, approved by General Order No. 398, dated April 11, 1924,—

The Board therefore orders: That the said General Order No. 177 be, and it is hereby rescinded.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 402

In the matter of the consideration of the question of the adoption of Rules and Regulations for Safety Appliances on electric locomotives in road and switching service. File No. 9610.1.

MONDAY, the 19th day of May, A.D. 1924.

In pursuance of the powers vested in it under sections 34 and 287 of the Railway Act, 1919, and of all others powers possessed by the Board in that behalf; and upon reading the representations filed on behalf of the Brotherhood of Locomotive Firemen and Enginemen, the Brotherhood of Locomotive Engineers, the Railway Association of Canada, the British Columbia Electric Railway Company, Limited, Michigan Central Railroad Company, Canadian National Railway Company, Oshawa Railway Company, Canadian Pacific Railway Company, and the London & Port Stanley Railway Company.

The Board orders: That the railway companies subject to the jurisdiction of the Board adopt and put into force, not later than the 30th day of June, 1925, the Rules and Regulations for Safety Appliances on Electric Locomotives in Road and Switching Service, attached hereto marked "A."

F. B. CARVELL,
Chief Commissioner.

" A "

RULES AND REGULATIONS FOR SAFETY APPLIANCES ON ELECTRIC LOCOMOTIVES IN ROAD AND SWITCHING SERVICE

SPECIFICATIONS COMMON TO ALL ELECTRIC LOCOMOTIVES

Box Steps.—Steps with back stops, generally similar to those specified for steam locomotives, shall be provided for getting on and off locomotives.

Electric Headlights.—Electric locomotives shall be equipped with power headlights the same as for steam locomotives. They shall also be equipped

with a bell not less than thirty (30) pounds minimum in weight, with an automatic bell ringer attachment, also a strong sounding (chime) air whistle.

Brakes.—Electric locomotives shall be equipped with good serviceable power brakes, also with efficient hand brakes, which will operate in harmony with the power brakes.

Signal Lamps.—Locomotives to be equipped with classification and marker lamps, and marker lamp holders and brackets, as per standard operating rules.

Uncoupling Levers.—

Number.—Two (2) double levers, operating from either side.

Dimensions.—Levers shall extend across the end of the locomotive frame not more than twelve (12), preferably nine (9), inches from the side of the frame, with a guard bent on the handle to give not less than two (2) inches clearance around the handle.

Location.—One on each end of the locomotive.

Application.—Uncoupling levers shall be securely fastened with not less than one-half inch bolts or rivets, and to be so arranged that it can be operated from the ground.

Couplers.—Locomotives shall be equipped with automatic couplers at both ends, as specified by M.C.B. Regulations, providing 12-inch additional clearance between block, or end sill, and inside face of closed knuckle on locomotives in switching service handling passenger equipment.

BOX TYPE OF ELECTRIC LOCOMOTIVE OPERATED BY PANTOGRAPH ON MAIN LINE SERVICE

Box type of electric locomotives to be equipped with two running boards on the roof, one on each side running from each end of roof to pantograph; width of running boards to be not less than 10 inches on new equipment, or on old equipment, where possible, and an iron hand railing, amply secured, with a minimum of 6 inches high, to be installed above the running board, or in case there is no running board, above that portion of the roof to which the hand railing is attached.

Platforms.—In all cases where box type locomotives are built with extension or open platforms, they shall be equipped with platform hand rails not less than 30 inches high. Vertical and horizontal handholds shall be attached to the body of the locomotive the same height as the end railing, with a minimum clearance between the body of the locomotive and the handhold of not less than two inches.

Pilots.—Road locomotives shall be equipped with strong, efficient pilots at each end, attached to the frame of the locomotive or truck, and well braced from the heel to the frame of the locomotive, projecting twenty-four and one-half (24½) inches from the heel of the pilot to the nose. Pilots to be provided with footboards attached to the pilot on each side of the couplers, not less than seven (7) inches in width and a minimum of fourteen (14) inches in length. If made of wood, they shall not be less than one and one-half (1½) inches thick, with a back stop four (4) inches above tread.

Uncoupling Levers.—The same as specified for steeple type of electric locomotives—number, dimensions, location, and application the same.

Pilot Handholds.—The same as steeple type of electric locomotives in regard to the number, dimensions, location, and application.

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BOX TYPE OF LOCOMOTIVE USED IN TUNNEL AND SWITCHING SERVICE WITH
NON-PLATFORM ENDS

Shall be equipped the same as box type of locomotive, with the exception of pilots. Footboards shall be provided the same as for steeple type of locomotive. They shall also be equipped with an end ladder at one end, located on the left side, giving easy access from the end door of the locomotive to the roof of same.

Two or four wrought iron bracket steps shall be provided, one on each side of the coupler, not less than five (5) by five (5) by one-half ($\frac{1}{2}$) inch, bolted or riveted with one-half inch bolts or rivets, to the end sill or plate of the locomotive, located approximately fourteen (14) inches from the centre line of the coupler and two (2) inches below the centre line of the coupler.

A bracket step shall be provided to the entrance to the end door approximately three feet four inches (3 feet 4 inches) in length by seven (7) inches wide.

Horizontal handholds shall also be provided on the end sill of the locomotive, made of one-inch minimum diameter iron, the one on the right to be not less than twenty-two (22) inches in length, the one on the left to be approximately thirty-eight (38) inches in length, to be continued along the side of the locomotive for two feet five inches (2 feet 5 inches), supported by bolts or rivets one-half inch in diameter. The handhold on the left side to be supported by three bolts or rivets; two of which will be on the end sill, the second one to be ten (10) inches from the side of the locomotive. The inside end of the handholds to be located about three (3) feet from the side of the housing.

Two handholds also to be provided, one on each side of the door, not less than five feet five inches (5 feet 5 inches) in length, made of one-inch diameter iron, with two-inch clearance between the end of the locomotive and the handhold; also two horizontal handholds, not less than two feet six inches (2 feet 6 inches) in length, one (1) inch in diameter, below the window, located approximately two (2) feet seven (7) inches above the floor level.

STEEPLE TYPE OF ELECTRIC LOCOMOTIVE

Protecting Rail.—Open platforms on steeple type of electric locomotive shall be protected, by a railing made of a minimum size of one and one-quarter ($1\frac{1}{4}$) inches outside diameter iron pipe, securely fastened to the locomotive frame, and shall be not less than forty-one (41) inches high. If possible, this railing shall be continuous across the back end over the coupler. This railing must be supported by not less than three uprights on the back (this includes the two corner side uprights) and at least one upright on the blind side of the motor. If there are two doors on each side of the motor housing, side railing must be run to within two feet of the cab, the end upright forming a handhold for steps giving access to cab doors.

Handholds.—Two vertical handholds shall also be provided on the sides of the motor cab, with a two-inch clearance, made of one inch iron running from the frame of the locomotive to the same height as the railing.

Footsteps.—Footsteps shall also be provided at all openings to motor house doors. These steps to be two or three in number—wood or iron—; the height of the lower step from the rail to be not more than twenty-two (22) inches; all footsteps to be equipped with four-inch risers attached to back of tread. Sillsteps exceeding twenty-one (21) inches in depth shall have additional treads, and shall be securely fastened to the frame of the locomotive by not less than one-half inch bolts or rivets. Handholds and Sillsteps shall also be provided near each end of the sides of the locomotive. The length of tread

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of sillstep shall be not less than twelve (12) inches by seven (7) inches in width, the same to be provided with risers not less than four (4) inches in depth. Handholds made of three-quarter ($\frac{3}{4}$) and seven-eighths ($\frac{7}{8}$) inch round iron, preferably seven-eighths ($\frac{7}{8}$), securely fastened to the frame of the locomotive, to be located over the rear sill-step, and as nearly central with the steps as it is possible to get them, with a clearance of two inches between the frame and the handhold.

Footboards.—Number—Two or more. Dimensions.—Minimum width of tread ten inches, wood. Minimum thickness of tread one and one-half inches, preferably two inches. If cut in centre, inner ends must be protected by risers. Minimum height of backstop, four inches above tread. Footboards to be supported by four wrought iron brackets, not less than three-quarters by three inches ($\frac{3}{4}$ by 3 inches). Height from top of rail to top of tread, not more than twelve (12) nor less than nine (9) inches.

Location.—At both ends. Where locomotives are used in both switching and main line service, they shall be equipped with a pilot, which shall also be equipped with two footboards, one on each side of the coupler, or pilot, not less than seven (7) inches in width and a minimum of fourteen (14) inches in length. If made of wood, the same shall be not less than one and one-half ($1\frac{1}{2}$) inches thick with a back stop four inches above tread.

Pilot Handholds:

Number.—Two.

Dimensions.—Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron or steel. Minimum clear length, fourteen (14), preferably sixteen (16) inches. Minimum clearance two inches.

Location.—On the end of engine frame. If uncoupling lever extends across the end of the locomotive and is seven-eighths ($\frac{7}{8}$) of an inch or more in diameter, securely fastened, with a clearance of two inches, it is a handhold.

Application.—Pilot handholds shall be securely fastened with not less than one-half inch bolts or rivets.

GENERAL ORDER NO. 403

In the Matter of the application of the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen and Enginemen for an Order directing the railway companies subject to the jurisdiction of the Board to install electric lights in all classification lamps on engines equipped with electricity.

File No. 6511.8.

FRIDAY, the 6th day of June, A.D. 1924.

Upon hearing the application at the sittings of the Board held in Ottawa, February 7, 1923, in the presence of representatives of the applicants, the Canadian Pacific and the Canadian National Railway Companies, and the Michigan Central Railroad Company, and what was alleged,—

The Board Orders: That all railway companies subject to the jurisdiction of the Board install electric lights in the classification and marker lamps of all locomotive engines in service which are now, or in future may be, equipped with electric light instalations; all engines put in service in the future with

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electric light installations to have the electric light installed in the classification and marker lamps before entering the service; and all engines now in service and so equipped to have electric lights placed in the classification and marker lamps not later than December 31, 1925.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 404

In the matter of the question of hand rails and small foot rests on the outside of cabs of locomotives; and a railing on the tender to prevent men from slipping off when they are passing over the tender, or when the locomotive is taking coal or water.

File No. 22223

WEDNESDAY, the 9th day of July, A.D. 1924.

Upon reading what is filed on behalf of the Railway Association of Canada and the railway companies affected; and upon the report and recommendation of its Chief Operating Officer,—

The Board orders as follows:—

1. That the railway companies subject to the jurisdiction of the Board, with the exception of the Boston and Maine, Maine Central, Rutland, and New York Central Railroad Companies and the Great Northern Railway Company (which are engaged in international traffic), be, and they are hereby, directed to equip all locomotives of 100,000 pounds, or over, with hand rails on the sides of the cabs above the windows, near the top of the cab, and running the entire length of the same, and to continue across the front of the cab. Where it is not practicable to extend the railing across the front of the cab, suitable hand-holds shall be provided; the rails to have a clearance of two inches between the inner side of the rail and the outside wall of the cab, and to be supported by columns to make them secure.

2. That where the running boards do not project beyond the side of the cab, an additional piece be added, to project not less than one inch from the side of the cab, and running the full length of same.

(a) That all locomotive tenders of the coal-hopper type, equipped with hoppers 24 inches and over, shall have a hand-railing on both sides of the coal-hopper, to run the full length of the same and across the back end,—the same to have a clearance of not less than two inches between the inner side of the rail and the outside wall of the fuel well, and to be located near the top, but not to project above. Hoppers less than 24 inches high shall be equipped with a railing on both sides and across the back, on the top of the hopper, to measure 8 inches over all from top of hopper, back walls sloping towards the front of hoppers excepted.

(b) That when necessary to renew equipment now in service, and for all future construction, coal hoppers must be designed so as to provide a sidewalk the full length of the hopper, with a minimum width of 8 inches.

(c) That all locomotive tenders of the open-top type be equipped with a railing on both sides, on top of the coping, to measure 8 inches over all from top of coping, the said rails to run the full length of the fuel storage well, or clear of the back coal wall, on the tender.

(d) That on the spaces back of the coal wall, where the water manhole is located, a railing be provided projecting 8 inches above the top of the tank and running around both sides and back of the tank. Where tenders of engines are

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equipped with a coping 8 inches high, on the space back of the coal wall, the coping will be accepted as a railing.

(e) That the said railing (c) and (d), if made of round iron or of iron pipe, be not less than 1 inch in diameter, supported by columns.

3. That the top of the tender behind the fuel space and the running boards on the coal hopper type be kept clean; that suitable covers be provided for the filling holes; and that, where a coping is in use behind the fuel space, means must be provided to carry off waste water.

4. That plans showing the proposed foot rests and the railings on tenders be filed for the approval of the Board.

5. That General Order No. 171, as amended by General Order No. 172, made herein, be, and it is hereby, rescinded.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 405

In the matter of the General Order of the Board No. 404, dated July 9, 1924, directing railway companies subject to the jurisdiction of the Board to equip all locomotives of 100,000 pounds or over with hand-rails on the sides of the cabs above the windows, near the top of the cab, and running the entire length of the same, and to continue across the front of the cab.

File No. 22223.

WEDNESDAY, the 6th day of August, A.D. 1924.

Upon reading what is filed on behalf of the Central Vermont Railway Company; and the report and recommendation of its Chief Operating Officer,—

The Board orders: That the said General Order No. 404, dated July 9, 1924, be amended by adding the words, "the Central Vermont Railway Company," after the word "Companies" in the third line of paragraph 1 of the order.

F. B. CARVELL,
Chief Commissioner.

GENERAL ORDER No. 406

In the matter of the General Order of the Board, No. 404, dated July 9, 1924, directing railway companies subject to the jurisdiction of the Board to equip all locomotives of 100,000 pounds or over with hand-rails on the sides of the cabs above the windows, near the top of the cab, and running the entire length of the same, and to continue across the front of the cab.

File No. 22223.

TUESDAY, the 19th day of August, A.D. 1924.

Upon reading what is filed on behalf of the Northern Pacific Railway Company, and the report and recommendation of its Chief Operating Officer,—

The Board orders: That the said General Order No. 404, dated July 9, 1924, be amended by adding the words "the Northern-Pacific Railway Company," before the words "and the Great Northern Railway Company," in the fourth line of paragraph 1 of the order.

S. J. McLEAN,
Assistant Chief Commissioner.

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GENERAL ORDER No. 407

In the matter of filing passenger tariffs by foreign railway companies.

File No. 606.

FRIDAY, the 5th day of September, A.D. 1924.

Upon its appearing that the filing of certain passenger tariffs by foreign railway companies is neither necessary nor desirable, and upon the report and recommendation of the Assistant Chief Traffic Officer of the Board and in pursuance of the powers conferred upon it by section 341 of the Railway Act, 1919, and of all other powers possessed by it in that behalf, the Board orders as follows:

(1) Foreign railway companies not owning, controlling or operating lines of railway in Canada shall not be required to file passenger tariffs with the Board.

(2) Foreign railway companies owning, controlling or operating lines of railway in Canada shall not be required to file passenger tariffs with the Board specifying the fares to be charged between points in the United States through Canada.

(3) Concurrences from intermediate Canadian carriers in passenger tariffs specifying the fares to be charged from points in Canada to points in the United States, to be filed with the Board.

S. J. McLEAN,

Assistant Chief Commissioner.

GENERAL ORDER NO. 408

In the matter of various complaints against certain tariffs of the Canadian Pacific and the Canadian National Railway Companies, arising out of the restoration of Crowsnest Pass Rates, so-called:

File No. 32812.1

TUESDAY, the 14th day of October, A.D. 1924.

Upon hearing the matter at the sittings of the Board held in Ottawa, September 17, 18, 22, 23, 24, 25, and 26, 1924, in the presence of counsel for and representatives of the Railway Association of Canada, the Canadian Pacific, Canadian National, and Toronto, Hamilton and Buffalo Railway Companies, the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia, New Brunswick, and Prince Edward Island, the cities of Edmonton, Saskatoon, and Brantford, the towns of Victoriaville and Smiths Falls, the Boards of Trade of Edmonton, Saskatoon, Toronto, Montreal, and Smiths Falls, the Chamber of Commerce and the manufacturers of Brantford, the Ontario Associated Boards of Trade and Chambers of Commerce, the Canadian Manufacturers' Association, the Kitchener and Waterloo Manufacturers' Association, the British Columbia Railway Rates Adjustment Association, British American Paint Company of Victoria, Acadia Sugar Refinery Company, Limited, Atlantic Refinery Company, Manitoba Rolling Mills Company, the National Dairy Council, the Canadian Council of Agriculture, the Fruit Growers of Canada, Eastern Furniture Company, Limited, Chair Manufacturing Company, Plymouth Cordage Company, Page-Hersey Tube Company, the Canadian Roofing Manufacturers' Association, and Frost and Wood, the evidence offered, and what was alleged,—

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The Board Orders that the following tariffs, namely,—

Canadian Pacific Railway, C.R.C. No. E-4137,
 Canadian National Railway, C.R.C. No. E-765,
 Canadian Pacific Railway, C.R.C. No. W-2757,
 Canadian National Railway, C.R.C. No. W-391,

be, and they are hereby, disallowed and required to be withdrawn from operation within fifteen days from the date of this order.

H. A. McKEOWN,
Chief Commissioner.

GENERAL ORDER NO. 409

In the matter of the application of the Bell Telephone Company of Canada, hereinafter called the "Applicant Company," under Section 375 of the Railway Act, 1919, for approval of Exchange and Toll Line form of Agreement No. 650 A in substitution for the form No. 650, approved by General Order No. 375, dated March 17, 1923, on file with the Board under case No. 538.

WEDNESDAY, the 5th day of November, A. D. 1924.

Upon reading what is filed in support of the application and the consents of the Ontario Railway and Municipal Board and the Public Service Commission of the province of Quebec, filed,—

The Board Orders: That the said Exchange and Toll Line Form of Agreement No. 650 A, to be entered into between the applicant company and any other company, municipality or corporation having authority to construct or operate a telephone system or line, on file with the Board under case No. 538 be, and it is hereby, approved,

2. That General Orders No. 114, and 375, dated respectively November 12, 1913, and March 17, 1923, made herein, be, and they are hereby, rescinded.

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER No. 410

WEDNESDAY, the 19th day of November, A.D. 1924.

In the matter of the complaint of the Vancouver Machinery Depot, Limited, respecting the practice of railway companies in requiring shippers to load and block, brace or stake, for safe transportation less than carload shipments weighing 2,000 pounds or over per piece or package handled in box cars: File No. 18663.35.

Upon hearing the matter at the sittings of the Board held in Vancouver, June 23, 1924, in the presence of representatives of the applicant company and the Canadian Freight Association, and what was alleged; and upon the report of its Chief Traffic Officer,—

The Board declares: That the present requirement of railway companies that freight, in less than carload quantities, weighing 2,000 pounds or over per piece or package, loaded in box-cars by owners, shall, when necessary, be blocked, braced, or staked for safe transportation by such owners, is not unreasonable and may be continued.

S. J. McLEAN,
Assistant Chief Commissioner.

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GENERAL ORDER No. 411

FRIDAY, the 19th day of December, A.D. 1924.

In the matter of the application of the Railway Association of Canada for certain amendments to Rules 93 and 99 of the General Train and Interlocking Rules, in order to provide for the method of operation now employed by certain of its member railways, under so-called Special Instruction "E":

File No. 4135.26

Whereas, by General Order No. 322, dated December 10, 1920, all railway companies subject to the jurisdiction of the Board were required to withdraw the said Special Instruction "E" from their respective working time-tables, and thereafter observe the Uniform Code of Rules for Canadian Railways, approved by General Order No. 42, dated July 12, 1909, the necessary changes and instructions to employees to become effective June 1, 1921;

And whereas the time within which the said changes and instructions might become effective was extended, by General Orders Nos. 340, 343, and 397, until June 15 and September 1, 1921, and August 1, 1924, respectively, or until further order of the Board.

And whereas an appeal from the Board's General Order 397, dated April 16, 1924, to the Governor General in Council is still pending.

And whereas the Governor General in Council, by Order in Council P.C. 2140, dated December 11, 1924, rescinds the sanction given by Orders in Council P.C. 1405 of By-law No. 98 of the Canadian Pacific Railway Company; P.C. 1824, of by-law dated September 3, 1924, of the Quebec Central Railway Company; and P.C. 1934, of by-law No. 4 of the Central Canada Railway Company, in so far only as such sanction is applicable to rule 93A,—

The Board Orders: That the time within which the said changes and instructions may become effective be, and it is hereby, further extended until the 31st day of January, 1925, or until further order of the Board.

H. A. McKEOWN,
Chief Commissioner.

GENERAL ORDER No. 412

FRIDAY, the 19th day of December, A.D. 1924.

In the matter of the General Order of the Board No. 403, dated June 6, 1924, requiring all railway companies subject to the jurisdiction of the Board to install electric lights in the classification and marker lamps of all locomotive engines in service which are now, or in future may be, equipped with electric light installations:

File No. 6511.8

Upon reading what is filed on behalf of the Boston and Maine Railway Company, and the report and recommendation of its Chief Operating Officer,—

The Board orders: That the said General Order No. 403, dated June 6, 1924, be, and it is hereby, amended by adding the words, "except the Boston and Maine Railway Company," after the word "Board" in the second line of the operative part of the order.

S. J. McLEAN,
Assistant Chief Commissioner.

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